

ADDIS ABABA UNIVERSITY
COLLEGE OF LAW AND GOVERNANCE STUDIES
CENTER FOR FEDERAL STUDIES

**SELF-RULE AND REPRESENTATION IN AMHARA
NATIONAL REGIONAL STATE: A CASE STUDY ON
ARGOBA NATIONALITY**

By
Mohammed Mebrat Endris

Advisor
Mohammed Dejen

**A Thesis Submitted to the Center for Federal Studies Presented in
Partial Fulfillment of the Requirements for the Degree of Master of Arts
(MA) in Federal Studies**

Addis Ababa, Ethiopia
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Declaration

I, the undersigned, declare that this MA Thesis entitled: *Self-Rule and Representation in Amhara National Regional State: A Case Study on Argoba Nationality* is my original work, and has not been presented for a degree in any other University or academic institution, and that all source of materials used for the Thesis are fully acknowledged and properly referenced.

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Approval Sheet of the Examining Committee:

This is to certify that the Thesis prepared by Mohammed Mebrat Endris, entitled: ***Self-Rule and Representation in Amhara National Regional State: A Case Study on Argoba Nationality*** and submitted in partial fulfillment of the requirements for the Degree of Master of Arts (Federal Studies) complies with the regulations of the University and meets the accepted standards with respect to originality and quality.

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Abstract

Nowadays, federalism has been used as a means for the accommodation of diversity of different groups with varied interests by minimizing the possibility of the domination of minority groups by the majority across the world. Ethiopia, in order to manage the diverse interests of its ethnic groups and rectify historical injustices, adopted a federal system de facto in 1991 and de jure in 1995. As one pillar of federalism, self-rule and shared-rule has to be managed fairly for the benefit of all ethnic groups. Self-rule and representation at the center becomes even more crucial in a divided society like Ethiopia. The Ethiopian federal system, though the national constitution invests a lot for the protection of self-rule and representation rights of minority groups, exhibits a gap in fully implementing these rights at the local level. This is mainly due to the legal lacunae and other practical problems manifested in the form of interference from higher officials and the incumbent political party. The Argoba Nationality in South Wollo Zone of the Amhara National Regional State, as a minority nationality group, has less benefited from the federal state arrangement as enshrined in the constitution due to factors related to the above mentioned problems. This study is mainly conducted to examine the practical implementation of the self-rule and representation rights of Argoba Nationality in the Ethiopian federation. By doing so, it addressed two basic questions – how the full measure of self-rule and representation rights of minority groups (taking the Argoba nationality wereda as a case study) is achieved and secured? What factors prohibited and/or contributed the Nationality wereda from practicing these rights? To achieve this purpose, the study has employed qualitative research approach. Both primary and secondary data sources have been consulted. The study found that, the protection of Argoba nationality as a minority and local government is performed through mere recognition of existence. The recognition is not accompanied by other minority ethnic group rights such as a fully-fledged self-rule and representation rights at the center. For the recognition to be practical and meaningful, it is better for the regional state to allow the Argoba Nationality to exercise their self-rule right at the local level and have their fair share at the center by minimizing top-down interference.

Abbreviations and Terminology

ANDM	Amhara National Democratic Movement
ANRS	Amhara National Regional State
Derg	The military socialist regime in Ethiopia that ruled the country from 1974 to 1991
ESM	Ethiopian student movement
EPRDF	Ethiopian People's Revolutionary Democratic Front
FDRE	Federal Democratic Republic of Ethiopia
HOF	House of Federation
HPR	House of People's Representative
GRV	Great Rift Valley
ICCPR	International Covenant on Civil and Political Rights
NEBE	National Election Board of Ethiopia
SNNP	Southern Nations, Nationalities and Peoples
TPLF	Tigray People's Liberation Front
UN	United Nations
USSR	Union of Soviet Socialist Republic
Wereda	A district/local government in Ethiopia

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CHAPTER ONE

INTRODUCTION

1.1 Background of the Study

Ethiopia is known for having more than 80 ethnic groups with their own distinct identity markers. The most common way of identification of ethnic group is the language marker of the people. The diversity is also expressed in terms of clan, blood and psychological makeup of the people. As stated by Wallelign, “the people are made up of different nationalities with their own languages; way of dressing, history, social organization and territorial entity.”¹ “The Ethiopian population is no longer perceived or presented as one homogenous community but rather as an assemblage of communities with distinct languages and cultures and, hence, as a body composed of various ethnic limbs”.²

The country exhibits different forms of administration starting from the imperial period to the present federal system. The imperial administrations were not similar in terms of ruling systems. During some imperial eras there was some degree of autonomy for the local chiefs provided that they accept the king at the center as king of kings. The recognition of local units resembles that of regionalism rather than federalism where its purpose was more of administrative convenience. The degree of autonomy differs from regime to regime which sometimes reaches its apex in which some parts of the country were loosely attached to the center through federation. Eritrea was one example where it was granted a constitutional autonomy anchored in the imperial constitution. The 1955 revised constitution, as expected, do not create a more conducive environment for gradual democratization and federal system of administration.³

¹ Wallelign Mekonnen (1969) *On the Question of Nationalities in Ethiopia* ,(N.P), pp. 1-2

This article can be taken as the forerunner by indicating the existence of different ethnic groups in the country.

² Yonatan Tesfaye Fessha and Christophe Van Der Beken (2013), “Ethnic Federalism and Internal Minorities: The Legal Protection of Internal Minorities in Ethiopia”, in *African Journal of International and Comparative Law* 21.1, pp. 34

³ Mohammed Habib (2011), *The Ethiopian Federal System: The Formative Stage*, pp. 8

During Italian colonial occupation, Emperor Haile Selassie, went into exile. After the Allied power and Ethiopian patriots liberated Ethiopia in 1941 the emperor returned to Ethiopia. After liberation Eritrea was administered under British mandate for ten years. “A British military administration was set up as a transitional solution until the United Nations General Assembly passed a resolution, the *Federal Act*, by which Eritrea came under the sovereignty of the Ethiopian Crown. Accordingly, in 1955 Ethiopia amended the 1931 constitution, the first written constitution of the country to incorporate Eritrea with Ethiopia as a federal administration. Since it was largely an external imposition, the Haile Selassie regime gradually undermined the federal arrangement by taking different measures. “Just ten years later, however, the Emperor abrogated the federal agreement and incorporated Eritrea as Ethiopia’s fourteenth province.”⁵ As one author mention, “In 1960, the federal political arrangement was effectively dissolved as the assembly voted to change the name of the government from the Eritrean “government” to “administration”.”⁶

When the military regime took power in 1974, it declared an ideology of socialism with a slogan of “*Ethiopia Tikidem*” – meaning Ethiopia First – with the notion of one nation state understating or ignoring the *de facto* diversities. This ideology was designed to form a unitary state with no space for minority nationality rights. The *Derg’s* regime and its nation state ideology was brought to an end when nationalist groups led by the EPRDF took control of Addis Ababa, on 28 May 1991, after horrendous civil war.⁷

Despite the regime’s heavy-handed nature for centralization and homogenization, the questions of nationalities persist. The nationalities questions mainly focuses on for the recognition of their distinct identities and to have their own rights respected in order to express themselves in terms of language, culture and history. Many of the ethnic groups

⁴ Kjetil Tronvoll (2000), *Ethiopia: A New Strata?*, *Minority Rights Group International*, UK. Pp. 15

⁵ *Ibid.* pp. 15

⁶ Saheed A. Adejumobi (2007) *The History of Ethiopia*. Greenwood Press ,Westport, Connecticut • London, pp. 109

⁷ Zemelak Ayele (2011) “Local government in Ethiopia: Still an Apparatus of Control?”, in *Law, Democracy and Democracy* journal vol. 15, Doctoral intern with Local Democracy, State, Peace and Human Security Programme, Community Law Centre, University of the Western Cape, pp. 142

who were aggrieved by the Derg policy organize themselves in different classes and along ethnic lines in search of their rights guaranteed and respected. This has resulted in the proliferation of different factions in every corner of the country against the regime.

After 17 years of fierce combat, the Ethiopian People's Revolutionary Democratic Front (EPRDF) overthrew the Derg regime in 1991 with the aim of rectifying the historical injustices committed by the previous regimes. After the fall of the military regime, a transitional government was established. The Transitional Government was mainly formed through the representation and participation of different ethnic groups within the country and promulgated the Transitional Charter (1991-1994). The Charter guarantees the right to self-determination of all nationalities and made this right as the governing principle of the political, economic and social life of the country. This paves the way for the formation of a federal state with legal recognition under the 1995 constitution. The country, as it is proclaimed under Article 1 of the Federal Democratic Republic of Ethiopia (FDRE) constitution, is legally a federal state. Yonatan claims that, "The new approach rejects the patriotic narration about historic Ethiopian nationhood and replaces it with an idea of Ethiopia as a multination state."⁸

The federation constitutes nine member states and one city administrations. Furthermore, it recognizes Dire Dawa as *de facto* city administration. As stated under Art 47(4) the nine member states of the federation shall have equal rights and powers. More than this, 'each nation, nationality and people within the country has the right to speak, to write, and to develop its own language and culture.'⁹ Art 39 (3) states that, every Nation, Nationality and People in Ethiopia has to a full measure of self-governance. This right extends to form institution that enables them to participate in state and federal government for equitable representation. Although the law guarantees such rights, the practice is far behind to be fully implemented. The minority ethnic groups who want to exercise their rights for self-administration, forming institutions to administer themselves

⁸ Yonatan Tesfaye (2008), *Institutional Recognition and Accommodation of Ethnic Diversity: Federalism in South Africa and Ethiopia*, University of the Western Cape, pp. 395

⁹ FDRE Constitution (1995), Art. 39(2)

and for equitable representation in the federal government are not fully exercising the same. This is also true even after forming their administrative structures.

The Amhara National Regional State (ANRS) is one of the nine member states of FDRE with a population of 17,214,056.¹⁰ It is the second largest region next to Oromia in terms of population size. The region is well known in accommodating diversity by giving recognition to various minority ethnic groups along with the mainstream Amhara nation. Oromo, Awi, Himra and Argoba are those who achieved recognition for self-administration. Nonetheless, mere recognition is not enough for the fulfillment of other minority rights. The Argoba people, for example, being recognized as distinct nationality group with their own special wereda but still have other claims like representation in the federal houses, to have their own political party and fully-fledged self-administration. This research is intended to study and examine the questions of the Argoba nationality with regard to the practicality of self-rule and representation in line with the federal set up of the country in general and the Amhara region in particular.

1.2 Statement of the Problem

Most, if not all, world countries host heterogeneous communities under their jurisdiction in terms of ethnic identity, culture, religion and other identity markers. It is practically impossible to get a single country with homogeneous people in all aspects of identity markers and classes. The notion of minority may be expressed in terms of number, power class or historical advantage. Kymlicka stated:

The three interconnected ideas – repudiating the idea of the state as belonging to the dominant group; replacing assimilationist and exclusionary nation building policies with policies of recognition and accommodation; and acknowledging and offering historic injustice

¹⁰ Population Census Commission, Federal Democratic Republic of Ethiopia, Summary and Statistical Report of the 2007 Population and Housing Census, Addis Ababa, December 2008, pp.10

amends for it – are common to virtually all real-world struggles for multiculturalism.¹¹

Each nation may follow different approaches for managing its diversities depending on its historical, social, political and economic circumstances. They may use forceful assimilation of some groups to another group. Some also design a political system that enables the minority groups to exercise their rights of developing their culture, language and history. The most common way to accommodate diversity in divided society is forming a federal form of government which enables every group to participate at the center for determining their internal affairs by themselves. “The existence of a federal system is more suitable to accommodate minorities in the political atmosphere thereby to insure respect for identities.”¹²

After the overthrow of the most centralist Derg regime in 1991, Ethiopia restructured itself by transforming from a unitary to a federal state. The 1995 constitution officially instituted a federal form of administration.¹³ The constitution acknowledges the equality of all nationalities residing in the country. The preamble of the constitution begins with “We the Nation, Nationalities and People of Ethiopia.” This indicates that, the constitution is the common property of all nationalities in the country and all nationalities are equal in every aspect of social, economic and political matters of the country.

The federation contains nine member states.¹⁴ States boundary is mainly demarcated along ethnic lines. This is obvious that the territorial concentration of the population of regional states seems to be designed by the majority ethnic group of the given state. The demarcation follows the concentration of the mainstream ethnic group. The names of

¹¹ Will Kymlicka (2007), *Multicultural Odysseys, Navigating the New International Politics of Diversity*, New York, Oxford University Press, pp. 66

¹² Mengie Legesse (2010), *Federalism For Unity And Minorities’ Protection: A Comparative Study on Constitutional Principles and Their Practical Implication: Us, India And Ethiopia*, Budapest, Hungary, pp. 21

¹³ FDRE Constitution (1995), Art. 1

¹⁴ FDRE Constitution (1995), Art. 47

most regional states¹⁵ also indicate that the ethnic group is the major consideration to reside in different design of the federation.

The presence of more than eighty ethnic groups in the country and dividing the federation into nine regional states inevitably leaves minority ethnic groups in different regional states. The Amhara region is one of the regional states that host different ethnic groups within its territory. The region recognized the minority nationalities to form their own administrative structures to administer their own internal affairs. “Himra, Awi and Oromo nationalities” are those that are recognized under the constitution of the regional state.¹⁶ These nationalities are allowed to form their own Nationality Zones for their self-administration and representation at the state and federal government. The regional state also recognized Argoba nationality in 2006 and recently the Kemant nationality. Although the region is generous in recognizing the minority, some of the rights of these nationalities short of implementation.

The Argoba nationality is found in parts of Amhara, Oromia and Afar regions along the rift valley area and in Harari regional state. The main concern of this paper is on those residing in the Eastern part of Amhara region. They are located in the south eastern Amhara region of, South Wollo Zone, sharing borders with Kalu wereda in the west and North, Afar region in the east and Oromia Nationality Zone in the south. They have acquired their own nationality wereda as Argoba Nationality Wereda in 2006 by Proclamation No. 130/98. The wereda has seven kebeles with a population of around 60 thousand. Their main livelihood is farming.

The federal and the regional constitutions accordingly ensure equal rights for the minority nationalities. Though the law recognizes and allows the minorities to exercise their rights, in practice the Argoba nationality has claims of unfulfilled rights for self-administration and autonomy, and representation. Their question of representation revolves mainly around the federal legislative organs. The same nationality group that is found in Afar

¹⁵ FDRE Constitution (1995), Art. 47(1) (1-9)

¹⁶ Amhara National Regional State Constitution (2001), Art. 45 (2)

region and North Shewa of Amhara Region are practicing these rights of having their own party independent of the Afar Nation, and represented in both houses at the federal level by using different mechanism. This thesis is, therefore, intended to investigate why the Amhara Region failed to grant the right of fully-fledged self-administration and why the Argobas are denied of representation at the federal legislative body.

1.3 Research Questions

Being recognized as a nationality group may not be automatically translated into the nationalities' rights to self-administration and representation. There are several legal and practical challenges on the ground. Argoba nationality is a case at hand where they have several claims to be fulfilled. This thesis, therefore, seeks to answer the following major questions.

- ✓ How are the Argoba Nationality administered? Do they themselves administer the Nationality Wereda?
- ✓ Has the Council of the Wereda the authority to appoint wereda officials without any influence/interference from the higher level of government organs or party channel?
- ✓ How is the nationality participating in electing their representatives? Why they failed to have their own electoral districts?
- ✓ What implications have being not represented in the HPR for the nationality and in exercising their constitutional rights?

1.4 Objectives of the Study

1.4.1 General Objective

The main objective of this study is to examine the self-rule of Argoba nationality and the issue of representation in the federal legislative organ.

1.4.2 Specific Objectives

The specific objectives of the study are;

- ✓ To assess the self-rule of Argoba Nationality
- ✓ To investigate the factors that undermine the self-rule right of Argoba nationality
- ✓ To examine the quest of representation in the federal legislative institutions and its contributing factors for non-representation, and,
- ✓ To scrutinize the necessity of the quest for a fully-fledged self-rule and representation of the Argoba nationality based on the established theories and laws

1.5 Scope of the Research

This study mainly deals the self-rule and representation issues in Amhara National Regional State with special emphasis on the Argoba Nationality Wereda. I have dealt the rights enshrined to the minority nationality. Minority right includes cultural, linguistic, religious, recognition, self-rule and representation in the decision-making process and other circumstantial interests of the minority groups. It is not all form of minority rights rather a specific group of right that the Argoba nationality claims are to be investigated here. The major focus of the paper is to investigate the quest of the Argoba nationality for the right to a fully-fledged self-governance and fair representation in the federal legislative organ in commensurate to their number.

1.6 Significance of the study

To the best of my knowledge, there is no any detailed study of self-rule and representation over the case of Argoba nationality till now. Only few anthropological studies of the nationality exist. Being the first, this study will use other researchers for further investigating the issue; enable higher officials to re-consider the matter; and the Ethiopian election board will look the condition in detail to respond for the quest. Academicians may also use the paper for teaching-learning purposes.

1.7 Methodology

The Argoba nationality once being recognized as a nationality group, are denied to full measure of self-administration and sending their representatives to the federal legislative organs. The causes for these problems are associated with the legal gap or the non-availability of laws that safeguard these rights and other practical obstacles. In this study the researcher used a qualitative method of data collection and analysis. This method better suits to understand the problems and the realities at the ground. It has a strong orientation to everyday events and/or the everyday knowledge of those under investigation. In qualitative method the researcher filters the data through a personal lens that is situated in a specific sociopolitical and historical moment, one cannot escape the personal interpretation brought to qualitative data analysis.¹⁷ Qualitative data are collected in their natural context, and statements are analyzed in the context of an extended answer or in the form of narration. Among the qualitative research paradigm the researcher employed case study method. In this system as a social researcher the author studied the Argoba Nationality which focuses on self-rule and representation as a social phenomenon.

Among the primary sources, the researcher have conducted interview with persons who have clear knowledge regarding Argoba nationality. These include residents, members of the wereda council, individuals who directly involved in the process for the recognition of the nationality group, former officials of the wereda, members of administrative council, officials from the zone administration South Wollo and other individuals who have first-hand information over the issues under scrutiny. During the interview session, some of the respondents were afraid of giving information for different reasons. They also hesitate to provide information for fear that the issue is a political matter. In this case, I clearly described the matter that I am studying for fulfilling my MA program at Addis Ababa University and it is for academic research purpose only.

¹⁷ John W. Creswell, *Research Design Qualitative, Quantitative, And Mixed Methods Approaches* Second Edition, pp.193

In addition to in-depth interviews, personal observations have been used as another method for gathering information. The researcher has worked in the Nationality Wereda for more than four year as the head of Justice Office and Public Prosecutor. This enabled me to observe the gaps and problems in detail and to choose the appropriate informants. The researcher also prepared questionnaires for the interview. I organize the interviews in Amharic language and I myself translated it into English. With regard to secondary sources, the researcher has used relevant literatures to deal about the theories involved over the issues under study. All relevant literatures and legal documents have been properly consulted. The Ethiopian system is examined by reviewing the FDRE Constitution, relevant proclamations like regional constitutions, election proclamation, Argoba Nationality wereda proclamation etc.

1.8 Ethical Considerations

From the beginning of title selection up to its completion, the research has been done in close consultation with the Center for Federal Studies of Addis Ababa University. I assure that all the information collected from the informants are based on their free will and their prior agreed consent. Those who do not want their names to be mentioned remain anonym throughout my research. I also tried my level best to minimize biasness and attempted to look the issues from different angles and perspectives.

1.9. Limitations of the Study

I have faced certain challenges and obstacles in doing this research. One of my challenges was related to shortage of financial resources as the distance between the academic center of Federal Studies of Addis Ababa University and the study area is too far. Moreover, the respondents were dispersed each other in different areas that made easy access difficult and encumbered heavy cost on the researcher to travel from place to place. Hence, I invested most of the available funds for transportation. This inevitably adversely affects the quality of the research. The other problem that I faced during data

collection was related to my previous work in the Wereda as a public prosecutor. Many informants feared me probably suspecting me with other missions other than an academic researcher. As a result, some of them were not open enough in providing full information over the problems I was investigating. In spite of this, I clearly described and elaborated the purpose of the research to my informants to minimize their fears. Shortage of time was another constraint that the researcher acutely encountered. The time bound set by the University highly limited the ability of the researcher to deal the issue in detail and include as many informants as possible to enhance the reliability of the research. However, this doesn't mean that the research has not achieved its planned objectives. I have tried my level best to properly handle the constraints and finalized the paper with maximum effort to enhance its reliability.

1.10 Organization of the Study

This study is organized in five chapters. Chapter one describes the introduction part which contains the general background of the study, statement of the problem, research questions, objective of the study, scope, methodology and significance of the study. Chapter two deals with minority rights as inscribed in various international legal instruments and from different literatures. The chapter also discusses the concept of minority from Ethiopian legal and political framework in relation to self-rule and representation of minority ethnic groups in line with the country's federal set up. Chapter three describes the status of local government in other federal countries and deals their current position and status in the Ethiopian federal state structure. Chapter four is reserved to describe the main findings in relation to Argoba Nationality's self-rule and representation. The chapter first describes the history of Argoba Nationality and their present settlement and identity marker in relation to their neighbors, Amhara Afar and Oromo. It focuses on the analysis of the data collected on Argoba Nationality quest for self-rule and representation in the federal legislative organ and the factors that made the rights not to be fully implemented. Last but not least, chapter five presents the conclusion, main findings and forwards possible recommendations.

CHAPTER TWO

MINORITY RIGHTS

2.1. Defining Minority

There is no scholarly agreed and legally binding definition of minority group all over the world. The most influential definition has been that proposed by Francesco Capotorti, Special Rapporteur of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities. According to him, minorities are:

A group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members—being nationals of the State—possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language.¹⁸

According to this definition, a minority group has to be qualified by being in a non-dominant position, nationals of the state, has to possess their own identity marker, and a sense of solidarity.

Scholars try to define minority from the perspective of number and others from the objective and subjective criteria for determining the minority. Objective criteria would involve factual analysis of groups such as distinct entity within the state possessing stable ethnic, religious or linguistic characteristics that differ from the rest of the population. Subjective criteria indicate a sense of group in protecting and presenting the identity of the minority. Determining minority in terms of number is not free from criticism because those majorities may suffer discrimination in sharing the national cake like the Black Africans in South Africa during apartheid rule. The UN report describes that:

¹⁸ Francesco Capotorti (1991), *Study on the Right of Persons belonging to Ethnic, Religious and Linguistic Minorities* (N.P), pp. 7

In most instances a minority group will be a numerical minority, but in others a numerical majority may also find itself in a minority-like or non-dominant position, such as Blacks under the apartheid regime in South Africa.¹⁹

Nowadays, there is no binding definition of minorities in the international legal system. The UN Charter does not give any protection for minority groups. It is said a little only in International Covenant on Civil and Political Rights (ICCPR) for the protection of minority rights without defining who minority are. In the current international law, the most appropriate and legally binding and accepted instrument to provide minority protection is art 27 of (ICCPR). This provision currently serves as legally binding and generally accepted provision international law which provides protection to minorities. It provides protection as:

In those states in which ethnic religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with their members of the group to enjoy their own culture to profess and practice their own religion or to use their own language.²⁰

This provision of the Convention guarantees minorities the right of equality to promote and preserve their culture, religion and language. The Convention does not give further protection of rights that the minority groups claim today. It does not mention the issues related to self-rule, representation, recognition etc.

The burning issue of these days is the protection of individual rights. This ideology is more practically applying in the Western countries. In spite of this, there are rights that the only groups possess specifically without any interference by the right of individual. "Defending minority rights involved endorsing the communitarian critique of liberalism, and viewing minority rights as defending cohesive and communally-minded minority groups against the encroachment of liberal individualism."²¹ Rights like self-

¹⁹ United Nations Report (2010) on Minority Rights: International Standards and Guidelines for Implementation, pp. 2, paragraph 5

²⁰ International Covenant on Civil and Political Rights, United Nations General Assembly, (1976).

²¹ Will Kymlicka (2001), *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship*. Oxford University Press, pp. 19

determination, recognition, self-rule, culture etc. are solely group in nature. They are only claimed by groups. Michael Hartney describes as:

Proponents of collective rights for minority groups often seem to move in a rather cursory way from the claim that communities are good things to the claim that communities have rights: 1. Communities are goods (i.e., have values), 2. Therefore, they ought to be protected, [and] 3. Therefore, communities have rights (to existence, etc.)²²

There is no exhaustive list of these group rights. Minority rights mostly include “a wide range of public policies, legal rights, and constitutional provisions sought by ethnic groups for the accommodation” with others.²³ These rights differ with the special circumstance of a given group. In this chapter we will discuss the commonly accepted and mostly applicable group rights.

2.1.1. Recognition

“Due recognition is not just a courtesy we owe people; It is a vital human need”.²⁴ Recognition is the most necessary and an umbrella for all other group rights. This right is the approval and respect of existence of a group by other groups. It is important to note that recognition involves acknowledging both deep-rooted primordial identities and elite driven and/or instrumental identities.²⁵

Recognizing groups is acceptance of those groups and amounts to that the groups have some value to the general public and individuals. The important point to be made is that, whatever their views on this controversial matter, people generally believe that

²² Michael Hartney (1995), “Some Confusions Concerning Collective Rights”, in Will Kymlicka, *The Rights of Minority Cultures*. Oxford University Press, New York, pp. 203

²³ Will Kymlicka and Wayne Norman (2000), *Citizenship in Diverse Societies*, Oxford University Press Inc., New York, pp. 2

²⁴ Charles Taylor(1992), “The politics of Recognition”, in Amy Gutmann, *Multiculturalism and The Politics of Recognition*. Princeton University Press, pp. 26

²⁵ Yeshiwas Degu Belay (2014), “The Politics of Recognition and the Kemant Nationality in Ethiopia”, in *International Journal of Innovative Research and Development*, Vol. 13, College of Law and Governance, Mekelle University, pp.73

communities are important because of their contribution to the well-being of individuals.²⁶

Recognizing a certain group is the first step to give assurance for the preservation of culture, religion and linguistic value. The implication is that the state should not be conceived as a monolithic unit but as an agency for recognizing groups, determining what legal status and rights they shall have, supervising and coordinating their interrelationships and itself conducting certain kinds of functions in which all have a common interest.²⁷ The United Nations General Assembly Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities provides that state shall protect the existence of the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.

The preservation and protection of minority identity prevent others from using methods of forced assimilation that could result in loss of culture, language, religion and history. In effect recognizing the minority identity is an accommodation of diversity through institutionalized pattern, which is the governing principle of federalism.

As R. Watts remarks, every federal system has two basic purposes: to insure self-rule through constitutional division of political power and to achieve unity at the same time through shared federal institutions by working together in areas of conjoint interest.²⁸ The potential relevance of the territorial arrangement in responding to particular ethnic claim and hence, accommodating ethnic diversity cannot be solely based on the nature of the territorial configuration of the sub-national state, but also on the powers and competences that are accorded to these local governments.²⁹ The next point of discussion that the minority groups rights deserve are self-rule and shared-rule, as other pillars of federations.

²⁶ Michael Hartney, *supra* note 22, pp.206

²⁷ Will Kymlicka(1995), *The Rights of Minority Cultures*. Oxford University Press, New York, pp. 57

²⁸ Ronald L. Watts (1999), *Comparing Federal Systems*, (1999). 2nd Edition. The School of Policy Studies, Queens University, Mc-Gill University Press, pp. 83

²⁹ Yonatan Tesfaye, *supra* note 8, pp.14

2.1.2. Self-Rule

Self-rule is a mechanism of internal self-determination. Self-rule is a right in which groups of minority want to possess after being recognized of their existence. The concept of autonomy falls short of granting fully-fledged independence but enables the inhabitants of a territory to control their economic, social and cultural affairs.³⁰ It is a pillar in which federal system of administration stands.

Daniel Elazar defined federalism as a combination of self-rule and shared-rule³¹ with self-rule referring to the extent to which regional units have the power to take decisions independently from central governments. As stated earlier after recognizing a group it should be expressed in a structural arrangement. It is that structural arrangement that enables the group to preserve their identities. The acknowledgement of ethnic diversity must be supplemented by institutional principles that give practical effect to this act of recognition.³² This institutional arrangement varies from federation to federation constituting union, state, district, communities and other forms of local government structures. Yonatan (2008) describes this as:

Self-rule finds practical expression through the different territorial and institutional structure of federation. It finds practical expression in the geographical configuration of a federation. Self-rule can also receive expression through the division of powers-which powers are allocated to which level of government?³³

Self-rule is the expression of self-administration with full autonomy over internal matters. It also involves a substantial redistribution of political power and hence increased opportunities for effective political participation by national minorities as well as redistribution of economic opportunities.³⁴ The autonomy is the derivative of power sharing among levels of the government. The autonomy of the group, to be fully applied

³⁰ Yonatan Tesfaye, *supra* note 8, pp.109-110

³¹ Daniel Elazar (1987), *Exploring Federalism*. Tuscoloso: The University of Alabama Press, pp. 7

³² Yonatan Tesfaye, *supra* note 8, pp.109

³³ Yonatan Tesfaye, *supra* note 8, pp.110

³⁴ Will Kymlicka, *supra* note 11, pp.141

has to be entrenched in the supreme laws like constitutional declarations. Self-rule of a minority group after recognition of their existence can be expressed in different forms.

2.1.2.1. Territorial Self-Rule

Territorial autonomy is applied for those members of group which are resident in a defined area. The territorial autonomy makes the minority a majority in the system of diverse society. The minority could decide their internal affairs by their own without domination by the majority.

The demarcation of the territory may follow different identity markers and vary from federation to federation. Administrative convenience, culture, ethnicity, religious group and historical factors are the most influential territory markers that are used by different federation. Countries also change territorial demarcation criteria over time depending on social, political or economic changes. For instance, Nigerian and Indian federations change the territorial unit demarcation factors over time and vary the number of their federal units. Extreme disparity in the population size and wealth of the constituent units has invariably contributed to stress, even leading in some cases to reorganization of boundaries of regional units as in India and Nigeria.³⁵

Opponents of ethnic federalism fear that it invites ethnic conflict and risks state disintegration.³⁶ Ethnic line demarcation, which Ethiopia opts, will lead to disintegration of the country. “The Ethiopian approach to provide a mother state to each single, especially large, ethnic group, admittedly, poses a potential danger to the territorial integrity of the state.”³⁷ “In such a system, every dispute turns into an ethnic dispute.”³⁸ “The Ethiopian state may face the same fate as the USSR and Yugoslavia.”³⁹ The

³⁵ Ronald L. Watts (1996), *Comparing Federal Systems in the 1990s*. Institute of Inter-Governmental Relations, Queens University Kingston Ontario, pp. 103

³⁶ Marina Ottaway (1994), *Democratization and Ethnic Nationalism: African and Eastern European Experiences*. Washington, D.C., Overseas Development Council

³⁷ Yonatan Tesfaye, *supra* note 8, pp.421

³⁸ Yonatan Tesfaye, *supra* note 8, pp.424

³⁹ Mohammed Hassen (1994), *Ethiopia's Missed Opportunities for Peaceful Democratization Process*, paper presented at the 37th annual meeting of the African Studies Association, Toronto.

problem is that the more the groups' identity is promoted the more it will see itself as different and deserving of its own statehood through secession.

The other group of writer view on the positive side of the federal arrangement, ethnic line of territorial demarcation. "It must be emphasized that the inclusion of the ethnic factor in the design of the state is consistent with the constitutionally declared commitment to celebrate ethnic diversity and build a multi-nation state."⁴⁰ Dereje Feyissa in his study over Gambella Regional State confirms the importance of ethnic-based demarcation as:

In post-1991 Gambella all regional administrative posts are occupied by locals. In fact, in a dramatic reversal of power relations, the highlanders who had long dominated the region's politics have now assumed a subordinate political status. [...] The rebuilding of cultural self-confidence is also evident in a degree of "retraditionalization". In the early 1990s, leaders of the [ruling party in the state] tried to reintroduce a cultural practice (the extraction of the lower teeth, called naak), which had been banned during the Cultural Revolution. In 2001, four Anywaa village headmen (Kwaros) were reinstated in different districts. Although retraditionalization has not gone far, largely because the local population is modernist in its outlook and aspirations, the local population has, at least, been offered a cultural choice.⁴¹

Others also view that the arrangement of the federal system is only for the interest of the ruling party, especially for the Tigray People's Liberation Front (TPLF). Despite the opposition's different views on federalism generally, both the anti-federal and the pro-federal parties share the opinion that the current Ethiopian federal system is designed to serve the interests of the ruling coalition in general and the TPLF in particular.⁴² Ethnic federalism is the "divide and rule" policy of the TPLF designed to strengthen its own position.⁴³

⁴⁰ Yonatan Tesfaye, *supra* note 8, pp.418

⁴¹ Dereje Feyissa (2006), "The experience of Gambella Regional state" in David Turton, *Ethnic federalism: The Ethiopian experience in comparative perspective*, Athens: Ohio University Press

⁴² Lovise Aalen (2002) 'Ethnic Federalism in a Dominant Party State: The Ethiopian Experience 1991-2000. pp.45

⁴³ Wondwosen Teshome and Jan Záhofík,(2008), *Federalism in Africa: The Case of Ethnic-based Federalism in Ethiopia*, International Journal of Human Sciences, Volume: 5 Issue: 2, pp.11

2.1.2.2. Functional Autonomy

Functional autonomy provides a very flexible means to fulfill the desire of a minority for regulating their own affairs. It pertains to the devolution of certain powers with a view to culture, education, religious and language issues. “The principle of self-rule requires to provide ethnic minorities that are territorially concentrated some form of territorial autonomy, in which ethnic minorities manage their own affair.”⁴⁴

Groups that occupy a defined territory demand more powers and decentralized system of federation. “The extent to which nationality based units jealously guard their powers in the face of attempts of greater centralization by federal governments is a major indicator of the fact”⁴⁵ of aspiration of more self-government.

Among the competencies that the local minority groups deserve is the power to issue a policy plan, to elect and call their officials, and to fully administer their budget without any external intervention. For more effective autonomy for the minority group their power should have derived from a central constitution rather than other legislations which are easy to unilateral decision of repeal. Christopher van Der Beken describes the importance of incorporation of powers of local government in the regional constitution when he deals with the experience of the South Nation Nationality and People Region State (SNNPRS) as:

The powers of the zones/special weredas are thus included in the Southern constitution rather than in an ordinary regional law/proclamation. This means that the constitutional powers of zones/special weredas cannot be reduced or taken away at the simple whim of the regional government. Indeed, such action would require constitutional revision, which cannot be effectuated without the approval of significant number of the zones/special wereda.⁴⁶

⁴⁴ Yonatan Tesfaye(2010), *Federalism and Intra-sub State Minorities: Constitutional Principles for Accommodating Intra-sub State Minorities*. University of Western Cape, pp.12

⁴⁵ Yonatan Tesfaye, supra note 8, pp.121

⁴⁶ Christopher Van Der Beken(n.d.), *Federalism in the Context of Extreme Ethnic Pluralism; The Case of Ethiopia's Southern Nations, Nationalities and Peoples Region*, (N.P), pp. 9

With regard to election of officials, the officials who are assigned in the local administration should derive their power and legitimacy from the people in the territory to whom it is accountable. Zemelak while describing the appointment of City Council of Semera City of the Afar National Regional State, he criticizes the process of appointment. In Afar Regional State, the regional government retains the power to appoint a tenth of the members of Semera City Council which is clearly a grave infringement of the principle of self-rule which was supposed to underpin the decentralization scheme.⁴⁷ The election of local government officials should be conducted by direct or indirect participation of the local people by the established institutions. They need not be centrally appointed officials. The appointment officials have to be part of public discussion of the minority group from recruitment to appointment of a special position. This power even extends to the extent of dismissal of officials.

The minority ethnic group should also have empowered to adopt rules within their local jurisdiction. Once they get territorial structured recognition and institutionalized organs, they have to have a power of legislation. This helps the minority to put into the ground their competencies.

2.1.3. Shared-Rule

As one pillar of federalism, shared-rule provides for minority groups a sense of oneness in the state matter. “The idea of shared-rule is nothing but a reflection of the concept that the constituent states are made part and parcel of the powers assigned to the federal government in general and of the federal law-making process in particular.”⁴⁸ It holds all ethnic groups by bringing them to take part in the political process of the mother state at the center. The federal institutions, for the purpose of accommodation and participatory,

⁴⁷ Zemelak Ayele, supra note 7, pp.145

⁴⁸ Assefa Fiseha (2006), *Federalism and Accommodation of Diversity in Ethiopia, A comparative Study*, Wolfsburg Legal Publishers, pp.142

mutual decision have to be filled by all ethnic groups that are recognized in the state, however proportionally. R. Watts state as:

Whether the stress within a federation can be accommodated and resolved depend not only upon the strength and configuration of internal divisions within the society in question but also upon the institutional structure of the federation, the way those institutions have channeled the activities of the electorate, political parties, organized interest groups, bureaucracies, and informal elites has contributed to the moderation or accentuation of political conflict. The function of federations is not to eliminate internal differences but rather to preserve regional identities within a united framework.⁴⁹

The groups in the state being represented in the central institutions tend to cooperate in the national matter rather than conflict. Simona Piattoni states:

The general expectation is that whenever the representatives of the citizens of the constituent states sit in the federal chamber they tend to focus more on the specific merit of the policy at hand and reach a compromise more easily, while when the representatives of the executives of the constituent states sit in the federal chamber they tend to defend the prerogatives of the federated units and policy issues, which quickly become 'constitutional' issues and get bogged down in joint-decision traps.⁵⁰

The protection of minority rights is best achieved and articulated through a combination of majority sensitivity and minority inclusion. Minority voice are heard and minority rights more respected when representatives of minority groups enjoy full access to participate in the political sphere, public life and the relevant areas of decision making especially at the center. "To some extent, the constitution can foster the development of a common political identity by creating the institutional spaces for shared decision making among members of different ethno-cultural groups."⁵¹

Minority groups have a power to run office, have a fair share at winning office and then have a voice in national, regional and locally elected government structure. It is crucial

⁴⁹ Ronald L. watts, Supra note 35, p.102

⁵⁰ Simona Piattoni (2012), "Federalism and Its Competitors: Which Template for Contemporary Europe?" In Dossier, *A New Era of Federalism*. l'europe en formation, pp. 16

⁵¹ Sujit Choudhry (2009), *Constitutional Design for Divided Societies: Integration or Accommodation?* University of Toronto, Faculty of Law, pp.6

that minorities are included not just as tokens but as full players in the decision making process. For some groups the autonomy to preserve their own culture will be the fullest extent of their self determination, where as for other groups it will extend to political autonomy through a federal state structure. Therefore representation of minority group has a far reaching advantage even greater than that of internal autonomy. Legislative representation carries symbolic power for ethnic minorities and becomes an end in itself even when minorities have little or no chance of participating in the governing coalition.⁵²

The presence of minority representation in the federal houses may have two roles. On the one hand they may serve as a communicator with the minority people as well as with other groups in the state. On the one hand, the groups may feel comfort of the unity on the other hand they will play a role of veto in cases where the consent of the minority representatives before any decision affecting the groups' interest. Mengie Legesse noted the importance of presence of the groups in the country in the following manner:

Legitimacy or representativeness of the federal legislatures is the first basic element which has to be satisfied in a federal system. It is through laws made by the federal legislature that the particular functioning of the federal system regarding common areas of interest is realized. Thus, as long as the federal legislature lack legitimacy or is not a genuine representative of different group within the federation, the federal system cannot functions in a stable and efficient manner.⁵³

There are institutions which are common to all federations in which the members can be served mutually. Most of the federal countries have in common over services that is provided by the center to all the citizens of the members mostly includes; "responsibility for defense, international relations, currency and debt, equalization, and the primary (not exclusive) responsibility for management of the economy and the economic union".⁵⁴

⁵² Robert G. Moser (2008), "Electoral Systems and the Representation of Ethnic Minorities: Evidence from Russia", in *Comparative Politics*, Vol. 40, No. 3, pp. 273

⁵³ Mengie Legesse, *supra* note, pp.12

⁵⁴ Ronald L. Watts (2008), *Comparing Federal Systems*, Third Edition, McGill-Queen's University Press, pp.178

These institutions exercise power based on the common interest like foreign affair and defense. Once these institutions serve commonly and have less potential to create discrimination cannot be part of stress for different minority groups. It is those institutions which have conjoint interests of groups must be occupied by proportional share of ethnic groups. Among these Institution the legislative, judiciary and executive of the federal government are some to list. Kymlicka describes:

After all, if we accept the two central claims made by defenders of minority rights- namely, the mainstream institutions are biased in favor of the majority and that the effect of this bias is to harm important interests related to personal agency and identity-then we might expect minorities to feel excluded from ‘difference-blind’ mainstream institutions, and to feel alienated from, and distrustful of, the political process.⁵⁵

The legislative body is the main place of stress in which its member plays a great role for accommodation and or conflict. It is its legitimacy and efficiency that plays vital position for the proper existence and trust of the federation and unity. The groups in the union should have a trust over the central legislative institutions. Yonatan affirmed the necessity of participation in central legislative organ as follows:

If ethnic groups are to full manage their own affairs and ensure that decisions taken at the central level do not unduly interfere with their autonomy, they must be able to participate in and influence central legislative and policy formations.⁵⁶

Most federations have adopted bicameral federal legislatures either they adopt a parliamentary or presidential form of government. This has led to the notion that bicameral legislatures are by definition characteristics of federations. Ronald watts note that:

The principle of bicameralism has been incorporated into the federal legislatures of most effective federations. Most federations have found a bicameral federal legislature to be an important institutional feature for ensuring the entrenched representation of the regional components in policy-

⁵⁵ Will Kymlicka, Supra note 21, pp.36)

⁵⁶ Yonatan Tesfaye, Supra note 8, pp.127

making within the institutions of “shared rule” that are an essential element for the effective operation of a federation.⁵⁷

The legitimacy of a legislative organ is mainly affected by the number and proportion of its participants. The proportion is also affected by the countries’ tendency for accommodation of the groups within the federation.

The composition of the members is also the direct result of the electoral system of the country. An inclusive parliament is that which celebrates difference and sees the benefits of utilizing the talents of all the members and groups within its society. It is a legislative body which looks beyond mere quotas to draw minority communities into committees, leadership roles, and the secretariat of parliament. The minority members of an inclusive parliament may represent defined ‘ethnic parties’ or they may be members of multi-ethnic parties but in either regard they can be legitimate representatives of the minority community from which they are drawn. They draw their legitimacy from having significant popular support in such communities. With regard to the ways of participation Belay Shibeshi puts different mechanisms as; “There are different procedures of representation of minorities in branches of government, reservation of special seats in the parliament and they may have veto power in decisions affecting them.”⁵⁸ Shared-rule also goes further beyond these institutions. It further analyzes the arrangement of political party, inter-governmental relations and resource allocation among constituent units.

The great potential of electoral system design for influencing political behavior is thus that it can reward particular type of behavior and place constraints on others. The system can be manipulated in the form whether to exclude and/or assimilate some group or to accommodate other interests. “The most basic and well known formulas are the majority,

⁵⁷Ronald L. Watts, (2010), *Federal Second Chambers Compared*, Presentation at Conference on “Federalizing Process in Italy, Comparative Perspectives”. An international conference organized by the Department for Institutional Reforms, Italy, and the Forum of Federations (N.P) p.3

⁵⁸ Belay Shibeshi (2010), *Minority Rights Protection in the Amhara National Regional State: The Case of the Kemant People in North Gondar*, pp. 36

proportional representation and mixed systems.”⁵⁹ The most known and widely applied electoral systems all over the world are *first past the post* (majoritarian) and proportional representation (PR). This system has its own advantage and disadvantage.

2.1.3.1. Majoritarian Electoral System

In majoritarian/plurality system the candidates usually need only a simple plurality vote, that is, one more vote than their closest rival. They usually do not need to pass a minimum threshold. In this system the party share of the parliamentary seats or their share of the popularity vote does not count for the formation of the government. The government may be established without plurality of vote as far as it has the parliamentary simple majority. Norris describes the process of majoritarian system as:

The country is divided into territorial single member constituencies, voters within each constituency cast a single ballot for one candidate, the candidate with the largest share of the vote in each district assumes the seat of the office; and in turn the party with an overall majority of seat forms the government.⁶⁰

But it is not always good to adopt for ethnic groups who are not majority in the district. “A plurality system is more likely to have an effect of marginalization on ethnic groups that are not territorially concentrated.”⁶¹

2.1.3.2 Proportional Representation Electoral System

It is mainly designed for the inclusion of minority voice to be represented based up on the percentage they voted. It works based on that the seats in a constituency are divided according to the number of votes cast for party or candidate lists. This kind of electoral system is favored for the countries of high ethnic cleavage. Arend Lijphart remarks as:

⁵⁹ Jan Teorell and Catharina Lindstedt (2010), “Measuring Electoral Systems”, in *Political Research Quarterly*, Vol. 63, No. 2, (June 2010), pp. 435.

⁶⁰ Pippa Norris (1997), “Choosing Electoral Systems: Proportional, Majoritarian and Mixed Systems”, in *International Political Science Review*, Vol. 18, No. 3, pp. 299-301

⁶¹ Yonatan Tesfaye, *Supra* Note 8, pp.448

With regard to the problem of deep ethnic cleavages, these doubts can be easily laid to rest. Divided societies, both in the West and elsewhere, need peaceful coexistence among the contending ethnic groups. This requires conciliation and compromise, goals that in turn require the greatest possible inclusion of representatives of these groups in the decision-making process. Such power sharing can be arranged much more easily in parliamentary and PR systems than in presidential and plurality systems.⁶²

The electoral system of Ethiopia for the HPR is the majoritarian system in which a single member from each constituency takes a seat in the house that gets the majority vote. The election district is mostly designed by the number of population by taking in consideration of the boundaries of wereda administration. As stated under art.20 (1) (a-e) of proclamation no.532/2007 the organization of electoral district is based on population number, wereda boundaries and minority representation.

Recently bicameral legislative body becomes the characteristic feature of federal counties. This is to show that federations favor two houses, one for the member states and the other for the individual citizen's representation. It helps to insure institutionalized representation of regional members in policy making within the principle of shared rule.

Election of members of HPR also affected by the election system that a country follows. The Ethiopian system, majoritarian failed to represent all minority ethnic groups to have a say based on their proportion especially, for those who are found scattered with others. Ethnic groups who are concentrated in one area may also face the same problem when they fail to be majority in the constituency they participate. The situation becomes worse for those minorities who are scattered among a region of dominant majority nationality groups.

The conditions of participation could mainly be affected the electoral process in which the minority group benefited or suffered from. "Electoral processes are crucial factors in determining the degree to which political processes in multiethnic societies will be

⁶² Arend Iijphart (2008), *Thinking about Democracy, Power Sharing and Majority Rule in Theory and Practice*. Routledge, pp.169

characterized by moderation and inclusiveness.”⁶³ The composition of legislative organs could be affected by many factors. Some of these are;

1. Method of election, and
2. Delimitation of electoral constituencies

Another important element with a view to guaranteeing the representation of minorities in parliament is the delimitation of constituencies, in particular, in absolute or relative (first past the post) or majority voting systems. If voting practices in certain areas follow minority or majority lines constituencies may be drawn up in a way that allows for adequate chances of minority parties or even privileges minority representation by building smaller constituencies for minority communities in order to raise their potential number of seats.

If a minority is concentrated in a certain area in a way that it constitutes the majority in that area, majority voting would usually lead to sufficient representation of the minority since their candidates would be able to win the majority in the respective area. In this context, it should be emphasized that majority voting systems are inadequate to guarantee the representation of minorities which are scattered in small numbers over the territory of a State. The minority will face domination by the majority ethnic group.

In the case of local concentration of a minority caution must be taken that constituencies are not construed in a way that a minority's potential for winning the appropriate number of constituencies is hampered. If the minority is concentrated in a certain region, their representation can also be reflected in the assignment of a certain number of seats in the national parliament to members from that region. Similarly, in federal systems there is the possibility of minorities forming a majority in one or more States or having established a politically influential position on State level be represented in that chamber of parliament which is composed of deputies from the States.

⁶³ Stefan Wolff (2005), “Electoral Systems Design and Power-Sharing Regimes”, in Ian O’Flynn and David Russell, *Power Sharing: New Challenges for Divided Societies*, Pluto press, London, pp.61

2.2 Minority in Ethiopia

The issue of minority in Ethiopia became a political agenda starting from 1960. Minority right is raised by Ethiopian student movement (ESM). “The first major moment to pursue a multi-ethnic agenda was the Ethiopian student movement.”⁶⁴ The ESM has three main question, land ownership, Nationality question and religious equality to be respected in Ethiopian government systems. The movement’s born because of the regimes policy one or two ethnic and one religions dominance and propagation to build the modern Ethiopian state. “But this came at the cost of entrenching deep ethnic and religious inequalities, leading in the 1960s and 1970s, to the rise of nationalist movements which sought to reverse the unifying historical process of the late nineteenth century.”⁶⁵

The movement once became successful in overthrowing the Imperial Regime, failed to take power because of the tactical defeat of the military force in 1974. The military regime once again advocated a unitary nation-state which results in the creation factions of ethnic based groups in different parts of the country. These groups came into power in 1991 to form a constitutionally federal arrangement.

The federal arrangement is to preserve unity by promoting accommodation of the diversities within the country to end the historical injustice. “The current federal experiment has two objectives first to create a country of equal ‘nations, nationalities and peoples’ and second, to put an end to authoritarian rule by democratizing the Ethiopian state and society.”⁶⁶

The current federal system tries to accommodate the diversity by giving due attention to the minorities. The constitution enshrined basic minority rights like culture, language, representation etc. The minorities in Ethiopia constitutional context are found within “Nation, Nationalities and people”. The constitution defines the Nation Nationality and

⁶⁴ Merera Gudina (2006), “Contradictory Interpretations of Ethiopian History: The Need for a New Consensus”, in David Turton, *Ethnic Federalism: The Ethiopian Experience in Competitive Perspective*. Addis Ababa University Press, pp.126

⁶⁵ *Ibid.* pp. 119

⁶⁶ *Ibid.* pp. 119

people based on using both subjective and objective criteria. Art 39 (5) define minority as; *A Nation, Nationality or People for the purpose of this Constitution, is a group of people who have or share large measure of a common culture or similar customs, mutual intelligibility of language, belief in a common or related identities, a common psychological make-up, and who inhabit an identifiable, predominantly contiguous territory.*

However, the terms ‘nation, nationality and people’ are not defined independently. And it is now a debate what to mean by of each three words. Writers try to give the definition of ‘nation, nationality and people and justify their grounds. For instance Alem Habtu describes the words from the view of population number. “The three words denote a hierarchy of ethnic groups from large (‘nation’) through medium (‘nationality’) to small (‘people’) in both numerical size and political significance”.⁶⁷ The constitution ‘at least suggests that the different ethnic groups in Ethiopia should be regarded as nations, nationalities or peoples.’⁶⁸

The author believes that the intention of the constitution in referring nation, nationality and people is directly related to population number. These three words envisage that three different groups found in the county. This can be understood from the general reading of the central constitution, the nomenclature of regional states that is given by their constitution and the practice of usual calling of the regional states.

First, individual, journalist, and officials do not call the Harari state as, Harari National Regional State rather only Harari state. But it is usual to hear National to call with Amhara, Oromo, Afar, Tigray which have dominant ethnic group with huge population number. Second, the constitutions of the regional states are different in calling their own state. Article 1 of the constitutions of the member state is reserved for the nomenclature of the state. From this the states which have majority ethnic group with high population number associate the word ‘National’ to design their name. For example, Art 1 of

⁶⁷ Alem Habtu (2005), *Multi-Ethnic Federalism in Ethiopia: A Study of the Secession Clause in the Constitution*, Publius: The Journal of Federalism, 35(2), pp. 324

⁶⁸ Yonatan Tesfaye, supra note 8, pp.389

Amhara Regional State named the state as “Amhara National Regional State”, Art 1 of Afar state as “Afar National Regional State.” But, the Harari constitution does not use the word national in naming the state.⁶⁹ In this regard the Afar constitution prefers to call the Argobas as “people” (Art 43(2). Third, the federal constitution itself does not name the member states similarly. It uses the word “people” for three regional states; SNNP, Gambella and Harai (Art 47(1) (7-9), but not for the remaining six state. This indicates that the term nation, nationality and people are used to refer ethnic groups based on this population size as Alem(2005) try to describe. The above description invalidates the interpretation given by Yonatan’s (2008) that the constitutional usage of the terms is *pointless*.

Whatever, the definition and interpretation of the term given by the writers, any minority group who qualify the constitutional requirements that are listed under Art. 39/5 is beneficiary from the constitutional rights like self rule,⁷⁰ minority Representations⁷¹, and to promote and preserve their language, culture and history;⁷² and other international documents in which Ethiopia had ratified.

As an exception the Ethiopian nationalities have the rights constitutionally entrenched external self-determination, secession. This indicates that the constitution is fully dedicated for the rights of the minorities. Any nationality who is deprived of other rights from the state can ask secession. Of course the constitution does not put any precondition to claim secession only procedural requirements that are listed under art 39(4) (a-e). A group or unite can initiate at any time. “If the federal government abuses the rights of these units, they are entitled to reassert their power of sovereignty by changing or abolishing the government.”⁷³

⁶⁹ Harai Peoples Regional State Constitution (2001) Art. 1

⁷⁰ FDRE Constitution (1995), Art. 39 (1), (3)

⁷¹ FDRE Constitution (1995), Art. 54(3)

⁷² FDRE Constitution (1995), Art. 39(2)

⁷³ Assefa Fiseha (2006), “Theory versus Practice in the Implementation of Ethiopia’s Ethnic Federalism”, in David Turton, *Ethnic Federalism: The Ethiopian Experience in Competitive Perspective*. Addis Ababa University Press, pp. 132

The FDRE constitution, by arranging a federal administration and by describing the minority rights, strives to rectify the injustices made by the previous regimes. The legal definition constructed by the constitution may affect some group of minorities who are found scattered with other majority ethnic groups. The requirement “inhabiting territorially defined geographical area” definitely limits the right of scattered minorities for different reasons. “Certainly, it is difficult to adopt federalism unless there exists a territorially defined diversity, but a significant number of Ethiopians do not live in the place where the majority of the members of their ethnic group are to be found.”⁷⁴

⁷⁴ *Ibid.* pp.135

CHAPTER THREE

FEDERALISM AND THE STATUS OF LOCAL GOVERNMENTS

3.1. Origin and Development of Federalism and Federal Political Systems

The term federalism is derived from the Latin term *foedus* i.e. covenant, referring to the fact that such a covenant is usually the starting point for the merger of two or more political entities. This definition of federalism should not be confused with the term confederation. Moller differentiates the two concepts as:

In confederation the constituent parts retain their sovereign rights, including that of abrogating the founding document of the confederation, thus regaining their initial independence, but in a federation the formerly sovereign entities have irreversibly transferred their sovereignty to the new political entity.⁷⁵

King describe this relationship that; “Federalism as an ideology or norm providing self rule, shared rule and umpiring system principles under the constitution , convention or other document and federation as pattern of institution.”⁷⁶

From the above description and definition it is clear to understand that federalism as an ideology or norm while federation and federal political system as an empirical element of a federal system to indicate the relationship of institutions in the system. There has to be a distinction between federalism and federations in their common sense. “Federalism as an ideology defined as a value concept including ideological and philosophical perspectives that promote the federal solution, while federation is an empirical reality, a specific type of institutional arrangement under federalism.”⁷⁷ Federation is to make federalism practical to the ground.

⁷⁵ Bjorn Moller (2010), “Pan-Africanism and Federalism”, in *Perspective of Federalism*, Vol. 2, Issue 3, pp. 40

⁷⁶ Preston King (1982), *Federalism and Federation*. Johns Hopkins University Press, pp. 21

⁷⁷ Lovise Aalen supra note 42, pp.11

“Federalism is a political remedy for political diseases, designed to prevent tyranny without preventing governance.”⁷⁸ “Federalism allows a more sophisticated type of representation, both nationwide and territorially based, and this provides some separation of power and thereby prevents the concentration of power in few hands.”⁷⁹ Watts explained from the point of structure of constituent units as:

The term “federal political systems” refers to a broad category of political systems in which, by contrast to the single central source of political and legal authority in unitary systems, there are two (or more) levels of government thus combining elements of *shared-rule* (collaborative partnership) through a common government and *regional self-rule* (constituent unit autonomy) for the governments of the constituent units.⁸⁰

“Federalism seeks to manage diversity by means of a territorial decentralization of political power to enabling distinct communities to make decisions on matters of public policy that are crucial to them language, culture, economic development.”⁸¹ This indicates that the groups in the federation should have been given freedom of self rule as well as to participate at the center. Elazar describe the importance of federalism from the point of minority groups interest as;

Federalism resurfacing as a political force because it reflects a practical embodiment of the principle that there are no simple majorities or minorities but that all majorities are compounded of congeries of groups, and the corollary principle of minority rights, which not only protects the possibility for minorities to preserve themselves, but force majorities to be compound rather than artificially simple.⁸²

“The transition of the self-rule and shared-rule elements of federalism into tangible institutional arrangements goes a long way in terms of accommodating ethnic diversity within the context geographically concentrated ethnic groups.”⁸³

⁷⁸ Daniel Elazar (1987), *Exploring Federalism*. Tuscaloosa, University of Alabama Press, pp.5

⁷⁹ Lovise Aalen, supra note 42, pp.13

⁸⁰ Ronald L. Watts, supra note, 54, pp.8

⁸¹ André Lecours (2010), *The State of Federalism in the World*. University of Ottawa, pp.8

⁸² Daniel J. Elazar (1994), *Federalism and the Way to Peace*. Queens University, Kingston, Ontario, pp.18

⁸³ Yonatan Tesfaye, supra note 44, pp.1

“Federalism is a process rather than a fixed state as well as democracy is also a journey rather than a destination.”⁸⁴ It has passed different stages to the present achievements and it is still on process for further changes. The most important achievement of federalism in the modern era has certainly been the innovative constitutional model developed by the American constitution of 1787. R. Watts explains the gradual development stages of modern federal system in different states as:

Following the American Revolution the newly independent states established a confederation in 1781. Its deficiencies, however, led to its transformation in 1789, following the Philadelphia Convention of 1787, into the first modern federation. Switzerland, after a brief civil war, transformed its confederation into a federation in 1848. Canada became the third modern federation in 1867. In 1871 the North German Federation of 1867 was expanded to include south German states. Not long after, in 1901, Australia became a full-fledged federation. In addition, during the nineteenth century a number of Latin American republics - Venezuela, Mexico, Argentina and Brazil — adopted federal structures in imitation of the U.S. federation, but these proved unstable, suffering periods of autocratic and military rule.⁸⁵

Federal political system formed for different reasons and follow different patterns. Some may used it to protect from external invasion, others for accommodation of internal diversity. Federations may rise out of unitary system or units may come together for cooperation. The creation of federal arrangement differs based on countries specific character and need. Friedrich states:

Federalism is also and perhaps primarily the process of federalizing a political community, that is to say, the process by which a number of separate political communities enter into arrangements for working out solutions [...] on joint problems, and conversely, also the process by which a unitary political community becomes differentiated into a federally organized whole.⁸⁶

There is no single accepted form of federal structure in which a federal country obliged to fit up. Federal countries in the world have their own identical patterns. However, this is

⁸⁴ Simona Piattoni, *supra* note 50, pp.249

⁸⁵ Ronald. L. Watts, *supra* note 28, pp.3

⁸⁶ Carl J. Friedrich (1968), “The Theory of Federalism as a Process”, in *Trends of Federalism in Theory and Practice*. New York: Frederick A. Praeger Publishers, pp. 7

true federal political systems have share common characteristics. R. Watts explains the common patterns of federal structure as:

The generally common structural characteristics of federations as a specific form of federal political system are the following:

- At least two orders of government, one for the whole federation and the other for the regional units, each acting directly on its citizens;
- A formal constitutional distribution of legislative and executive authority and allocation of revenue resources between the two orders of government ensuring some areas of genuine autonomy for each order;
- Provision for the designated representation of distinct regional views within the federal policy-making institutions, usually provided by the particular form of the federal second chamber;
- A supreme written constitution not unilaterally amendable and requiring the consent for amendments of a significant proportion of the constituent units;
- An umpire (in the form of courts, provision for referendums, or an upper house with special powers); and
- Processes and institutions to facilitate intergovernmental collaboration for those areas where governmental responsibilities are shared or inevitably overlap.⁸⁷

Federalism as political structure plays a great role in accommodating the diversities especially in divided societies. Michael Keating states that:

The advantages of federalism and devolution in nationally divided societies are evident. Groups can be given a degree of self-government and issues on which state-level agreement is not possible can be resolved at the lower level. At the same time, there are assurances for the maintenance of common services and of the state itself.⁸⁸

Federal political systems may be grouped in to centralized and decentralized based on the relationship between the center and the constituent units and power sharing schemata. This operation can be affected by the states' legal procedure, social reality of arrangement of political parties'. "Constitutional and institutional guarantees are meant to

⁸⁷ Ronald L. Watts, *supra* note 28, pp.9

⁸⁸ Michael Keating (2007), *Federalism and The Balance of Power In European States*. (N.P.) pp.9

prevent political leaders at the central level of the federation from breaking the rules or changing the federal bargain unilaterally.”⁸⁹

The legal and institutional frameworks are not the only means for the protection of the federal bargain. “Whether the parties organizations are centralized or decentralized have crucial effects on the relationship between central and regional level.”⁹⁰ “Decentralized party systems will create decentralized federations, and centralized party systems will make federations centralized.”⁹¹

3.2. Development of Local Government in Federal Systems

In the view of the United Nations Office for Public Administration (2011): Local government is a political division of a nation or (in federal system), state, which is constituted by law, and has control of local affairs, including the power to impose taxes or exact labor for prescribed purpose. The government of such an entity is elected or otherwise locally selected.

Older federations usually did not recognize the status of local governments in their constitutions. “Traditionally, the determination of the scope and powers of local government was left in federation to the intermediate state government.”⁹² “The concept of autonomous local government enjoying powers that directly emanate from the constitution was unknown to many federations.”⁹³ United States (1786 constitution), Switzerland (1848 constitution), Brazil (1891 constitution) and Australia (1901 constitution) did not give recognition of local government in their first constitutional framework. “It is only the older federal constitutions which, as a rule, did not given any recognition to local government, establishing a strict dyadic federal system, comprising

⁸⁹ Lovi Aalan, *supra* note 42, pp.21

⁹⁰ *Ibid.*

⁹¹ *Ibid.* pp.24

⁹² Ronald L. Watts, *supra* note 35, pp.64

⁹³ Yonatan Tesfaye, *supra* note 44, pp.6

the federal and state orders of government.”⁹⁴ The local governments were the creation of the state and under the mandate of their respective state. R. Watts further states:

Traditionally, the analysis of federations has centered upon relations between their federal and state governments. But increasingly in the contemporary world, federal arrangement has taken a multi-tiered character. It has been the effort to maximize citizen preferences and reduce their frustrations that has led to the establishment of multiple levels of federal organization each operating at a different scale for performing most effectively their particular functions. The resulting multi-tiered federal systems have created a more complicated context for the operation of individual federations participating in these wider forms of federal organization.⁹⁵

Three levels of government federal, state and local government is becoming common feature of all federations. “Three-level government — is common to all federal systems; however, the place and role of local government in those systems vary markedly.”⁹⁶ The status, power and authorities of local government differ with the nature of the federation and depth of federal system. Local government authorities’ autonomy is the indication of good delivery of services to the people at the periphery with their preference and need. The more local governments are empowered the more local peoples got good delivery of goods and services. This has also another effect in which it increases the role of local peoples’ participation in politics. Nico Steytler remarks:

The role and status of local government are a function of its powers and functions. The key questions are: does local government have powers that matter? Are local authorities confined to ‘roads, rubbish and rates’, as is often said about Australian municipalities? Are local government’s powers significant enough to make local self-government a meaningful enterprise so that citizens are interested in local politics?⁹⁷

It was after World War II, that local governments get recognition from the constitution of the grand Nation. That was due to the tendency of many nations towards democracy to be

⁹⁴ Nico Steytler,(n.d.) *An international perspective on the constitutional recognition of local government*; Comments on the Public Discussion Paper of the Expert Panel on Constitutional Recognition of Local Government, (N.P) pp.1

⁹⁵ Ronald L. Watts, Supra Note 35,pp.64

⁹⁶ Nico Steytler (2005), *The Place and Role of Local Government in Federal System*, Stups Printings, pp. 1

⁹⁷ *Ibid.* pp.6

closer to the people. Germany, Brazil and Nigerian constitution are the few federal constitutions after WWII that recognizes local government. “Once local government becomes a player at the national federal level organized local government become the important vehicle for communication.”⁹⁸

Germany legally recognizes local governments in its constitution in 1949. Brazil’s 1988 constitution protect the local level of government with relatively extensive power of local government. Australian local governments struggle with the central government to get constitutional recognition by forming different groups and associations; state and county wide. They have different reasons for the upheaval. “These included: the forced amalgamation; the replacement of elected local authorities, often for considerable periods of time; and the compulsion competitive tendering for local government services.”⁹⁹ This shows that election of local authority is the sole competencies of the local unite.

The constitutional recognition of local governments gave the local peoples more participation in political matters to make the officials more responsible for their acts and accomplish their duties diligently. Recent development in the federal systems suggests an increasing role and autonomy for local government which even extend as a full member of the federal partnership in South Africa. “In the Republic, government is constituted as national, provincial and local spheres of government which are distinctive, interdependent and interrelated.”¹⁰⁰

In fact, Local Governments today are much more important in the daily life of a citizen than the state or central government. The increasing function and responsibilities of local government forced most federal countries to give constitutional recognition at the central level. Constitutional recognition of local government is a guarantee that the democratization process secured from the center. In addition to this, the local government may not be exposed to any form dissolution or merge with others by ordinary laws.

⁹⁸ *Ibid.* pp.8

⁹⁹ Peter Pernthaler & Anna Gamper (2005), “Local Government in Austria”, in Nico Steytler, *The Place and Role of Local Government in Federal Systems*. pp. 65

¹⁰⁰ Constitution of the Republic of South Africa (1996), Art. 40(1)

“However, if a federal constitution itself chooses to recognize local government, it thereby protects its existence from elimination by ordinary law.”¹⁰¹ This recognition of local government would enhance the structural relationship between the three tiers of government.

The recent trend that runs through all the constitutional provisions, whether they deal with local self-government, the assignment of powers and functions, the notion of a hierarchical supervisory relationship with the higher level of the government. Supervision has also its impact on the autonomy of the local government. “The extent of supervision inevitably defines the level of local autonomy.”¹⁰² The supervision mechanism and channel has a direct effect for the autonomy of local government in federations. Nico Steytler describes the supervision conditions as:

The supervising powers of superior levels of government proved to be a crucial factor in determining the level of local self-government. Again, the law and practice among countries differed considerably. It was also apparent that the supervision of local government should be seen against the political context: is local politics insulated against the party politics of the supervising level of government?¹⁰³

Constitutional recognition of local government has, in most cases, not resulted in local government becoming an equal partner to the states. The hierarchical relationship is preserved, but constitutional recognition sets boundaries to and put principles for regulation and supervision. There is a further trend in some countries where the regulation of local government is not the sole domain of the states – the federal government often plays a regulatory role as well. “Inclusion of local government in state constitutions thus recognizes its significance, but in a context that underscores the status of local government as a state rather than as a national institution.”¹⁰⁴

¹⁰¹ R. Kiss (1999), “Local Government to Local Administration: The New Order”, in B. Costar & N. Economou, *The Kennett Revolution – Victorian Politics in the 1990s*, UNSW Press, pp. 110

¹⁰² Nico Steytler. Supra note 96, pp.7

¹⁰³ *Ibid.* pp.7

¹⁰⁴ Cheryl Saunders (2005), “Constitutional Recognition of Local Government in Australia”, in Nico Steytler, *The Place and Role of Local Government in Federal System*, Stups Priraliy, pp. 54

Local governments in federations have another advantage apart from accommodation and self rule interests. It would serve as a guaranty for further disintegration by empowering local units and minority groups. Yonatan Tesfaye remarks local governments as the solution for external secession. “The limits of the internal secession option direct one to examine another territorial solution”¹⁰⁵ which results in the rearrangement of state boundary and division.

Ensuring good working relationship between different level of government (horizontal and vertical relation) is important for effective operation of the federal system. The relationship should not be characterized by mistrust. The level of control and accountability and autonomy of tiers of government should be cooperative.

3.3. Local Government in Ethiopia

Once Ethiopia adopted a federal form of government by the 1995 constitution, it created two layer of government, that is, the Federal government and nine regional states.¹⁰⁶ In addition there are two city administrations, Addis Ababa and Dire Dawa, other than the regional states. “Addis Ababa and Dire Dawa are specially administered autonomous city-states directly accountable to the federal government and do not fall within the territory of any of the constituent states.”¹⁰⁷ The regional states/kilil/ are Tigray, Afar, Amhara, Oromiya, Somali, Benishangul/Gumuz, Southern Nations, Nationalities and Peoples, Gambella, and Harari (Article 47 of FDRE Constitution).

The member states have equal status in their horizontal relationship. Formally speaking, the relationship between the states horizontally can be described as symmetrical as “Member states have equal rights and powers”.¹⁰⁸ Each of the member states has legislative, executive and judicial powers.¹⁰⁹

¹⁰⁵ Yonatan Tesfaye, *supra* note 44, pp.5

¹⁰⁶ FDRE Constitution (1995), Art. 50(1)

¹⁰⁷ Asefa fiseha, *supra* note 73, pp.239

¹⁰⁸ FDRE Constitution (1995), Art. 47/4)

¹⁰⁹ FDRE Constitution (1995), Art.50/2)

The constitution establishes a dyadic federal system in which the mandate of other level of government is left to the states. The dyadic federal system remains the dominant model which subjects local government to the jurisdiction of the states. The constitution, albeit adopted recently, did not give constitutional protection to the local governments. It simply leaves the mandate to respective member states to establish their administrative structures and to determine their powers and functions. “The state government shall be established at state and other administrative levels that they find necessary.”¹¹⁰

Some scholars argue that the authorization of regional states over local government regarding administration, creation and assignment of responsibility is to empower the member states over their internal matters. “Being a self governing community, a sub-national unit in multi-ethnic federation has the sole authority to decide on the organization of administrative structures within its territory.”¹¹¹ However, a system that did not forbid the center from encroaching into the competencies of local government affects the self rule of the later. “A constitutional system that allows the national government to interfere in the power and function of local government places the former in ideal position to circumvent the constitutional autonomy of sub national units.”¹¹² They viewed it as having particular importance since the regional states differ each other in many respects like ethnic composition, size, economic, political and social circumstances and level of development. It may be given special focus with regard to Ethiopian federation because of deeply diversified nature of the society.

The federal constitution did not explicitly give power and function to the local government. The local governments in Ethiopia (Wereda and City Administration) are not fully autonomous like those get protection in the federal constitution. Ronald Watts states that:

The problem within two-unit federations usually has been that insistence upon parity in all matters between the two units has tended to produce

¹¹⁰ FDRE Constitution (1995), Art. 50(4)

¹¹¹ Yonatan Tesfaye, *supra* note 44, pp. 8

¹¹² *Ibid.* pp.9

impasses and deadlocks. This is because there is no opportunity for shifting alliances and coalitions among the constituent units, which is one of the ways in which multi-unit federations are able to resolve issues.¹¹³

“The regional constitutions and structured dealing with local government maintain the old hierarchical structure in which weredas and city administrations are treated as subordinate structures of the regional states rather than autonomous governments.”¹¹⁴ “Of course, in some cases absorbing the local government may be politically not sound even if it is legally possible.”¹¹⁵

Although the Ethiopian federation is adopted recently in relation to others, it prefers not to recognize the local government; it follows the two spheres of government like that of classical federations. The classical federations amend their constitution in order to give concrete legal basis for the local government. The reason is due to democratization tendency and for serving the people at the grass root level. This also empowers the local residents to participate in their own issue and help them to make responsible the local officials. “The strength of local government lies in its potential to enrich democracy by enabling the engagement of voters and by demonstrating the responsiveness of public institution at a time of significant cynicism about representative government.”¹¹⁶

Even though the federal constitution leave the local government unrecognized, it fully protect the minority nationality groups found in every corner of the country. It gave the nationality a full measure of self-government in the territory they inhabit.¹¹⁷ The Nation, Nationality and People have also right not only to form local administration but also to form a regional member state of the federation.¹¹⁸

¹¹³ Ronald L. Watts, Supra note 28, pp.184

¹¹⁴ Zemelake Ayele (2011), “Local Government in Ethiopia: sill an Apparatus of Control”: in *Law Democracy and Development*: Volume 15, University of Western Cape, pp. 145

¹¹⁵ Assefa Fiseha, supra note 48, pp.120

¹¹⁶ Cheryl Sounders, supra note104, pp.60

¹¹⁷ FDRE constitution (1995), Art. 39 (3)

¹¹⁸ FDRE constitution (1995), Art. 47(2)

3.3.1. Local Government in the Amhara National Regional State

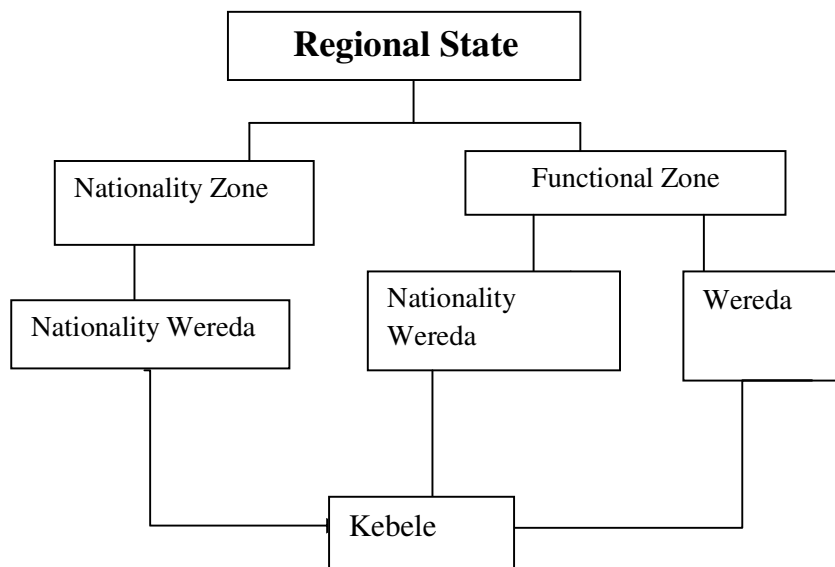
The 1995 FDRE Constitution after dividing the country into nine regional states and one self-governing administrative city is silent on the administrative structure of the member states. The states are fully empowered to form the administrative structure in accordance with their own socio economic and demographic importance. This has a good indication for the self-rule and autonomy for the ethnically arranged states, leaving other factors aside. The constitution in this respect paved the way for the empowerment of member states over their internal matters and it is in fact the major contribution of the current federal system of government.

The Amhara region being one of the member states of the federation and having the second largest population next to Oromia, benefited autonomy from the federal constitution to arrange its administrative regions. The structure of the government in the region derived from the regional constitution. According to ANRS constitution the region has three levels of government; the regional state at the top, weredas in the middle and kebele administration at the bottom.¹¹⁹ But there are functional zone administration in between the state and wereda administration. Between the Regional state and wereda units another administrative unit called Zonal administration, is established by law.¹²⁰

¹¹⁹ Amhara National Regional State Constitution (2001), Art. 45(1)

¹²⁰ Article 3, *The Zonal Administrative Offices Establishment and Determination of their Powers and Duties of Council of Regional Government* Regulations No. 1/2001. According to this regulation seven zonal administration is established throughout the regional state. Bahir Dar was established as a special zone by Bahir Dar Special Zone Administration Regulations No.1/1995.

Figure 1. Administrative Structure of Amhara Regional State



Source: Adapted from ANRS Constitution and Zonal Administrative Establishment Proclamation

The regional state is known as being the home of different nationality alongside the majority Amhara Nationality. As stated earlier, the Amhara regional state has three indigenous ethnic minority found in different area of the regional state. The regional state recognizes these ethnic groups in the Regional Constitution as a Nationality and allows them to form their own administrative structure. In effect the Regional Constitution designate an administrative structure called Nationality Zone. “In certain areas special wereda/zone are designed to protect minorities which live within the territory of a dominating group.”¹²¹ The three ethnic minorities namely “Oromo, Awi and Himra have their own nationality zone in the region.”¹²²

With regard to the structural differences of zones, Nationality Zones have constitutional basis while functional zones does not. Functional zones established only for administrative convenience. Their main difference is the organs of government they have.

¹²¹ Kjetil Tronvoll, Supra note 4, pp.20

¹²² Amhara Regional State Constitution (2001), Art. 45(2)

“Nationality zones have Nationality Council, Nationality Administrative Council and Judicial body of the nationality administration”¹²³ in which the ordinary zone does not have. The ordinary functional zones do not have a constitutional basis for their establishment and formal competencies similar to Nationality Zones.

Nationality weredas and ordinary weredas there is no fundamental difference. The only difference is their accountability. The ordinary or non-nationality wereda Councils are accountable to the regional council.¹²⁴ The non-nationality wereda administrative councils are responsible not only for the wereda council but also for the council of regional government which is not the same for nationality wereda.¹²⁵

Later after the promulgation of the revised constitution the regional state also recognized the Argoba Nationality in the form of Nationality/special wereda. In usual term the wereda is called ‘*liyu*’/special wereda. Zemelak describe the suffix ‘*liyu*’ as having special purpose. He states that:

It is called a ‘*liyu*’ (‘special’) *wereda*, as opposed simply to a *wereda*, because its boundaries are demarcated along ethnic lines and it is meant to serve as a territorial area wherein the relevant ethnic community exercises self-government.¹²⁶

The recognition of this special wereda came into effect not by the regional constitution rather by a separate regional proclamation called Proclamation for the Establishment of Argoba Nationality Wereda Proc No. 130/2006. Recently the region also accepted the question of recognition of the Kemant in North Gondar Zone in the form of branch wereda administration.

Besides having three layers of administrative structures, the region established Nationality Zones and Special/Nationality weredas. This structure is to comply with the

¹²³ Amhara National Regional State Constitution (2001), Art. 73(2)

¹²⁴ Amhara National Regional State Constitution (2001), Art. 86(1)

¹²⁵ Amhara National Regional State Constitution (2001), Art. 90(2)

¹²⁶ Zemelack Ayitenew(2014), “The Politics of Sub-National Constitutions and Local Government in Ethiopia”, in *Perspectives on Federalism*. Vol. 6, issue 2, pp.96

federal constitution that the minority nationality should have a full measure of self-government. The regional state, in this regard, is too generous in recognizing the ethnic minority living in its territory in relation to other regional states who are relatively dominated by one ethnic group. Furthermore, the regional state insures the proportional representation of other non recognized minority who reside in the region.¹²⁷

Some argue that the tardiness of answering the question of recognition has political importance. The Himira and Awi nationality question of recognition and self-administration got weight and answered duly was because of their importance during the struggle in overthrowing the dictatorial Derg regime. “It will not be unreasonable to conclude that minority rights protection is more of related to political commitment than of rights-based.”¹²⁸ “Only the Argoba have managed to fulfill the process of achieving special wereda status on their own initiative whereas the rest have been suggested by the federal or regional governments.”¹²⁹ Whatever the motive behind of recognition, the establishment of Nationality zone and special wereda and also kebele can be seen as an accommodation of internal minority to manage their own affair.

The Argoba Nationality as being one of the recognized nationalities in the form of Nationality wereda administers itself from 2006 onwards. It has its own organs of administration i.e. wereda council, wereda administrative council and first instance judicial body. “The nationality wereda shall have Nationality Wereda Council; Nationality Wereda Administrative Council and first instance judicial body as principal authority organs.”¹³⁰ These administrative arrangements are no more special from that of other non-nationality wereda found and mentioned in the regional constitution. As stated above, the Nationality Zones have organs of government in which other administrative zones did not have. The regional constitution confers a special arrangement for the Nationality Zone. The constitution lists out the arrangement, duties and powers of the organs of the Nationality Zone in which others (ordinary zones) do not have.

¹²⁷ Amhara Regional state constitution (2001) Art. 73(1)

¹²⁸ Belay Shibeshi, *supra* note 58, pp. 53

¹²⁹ Kjetil Tronvoll, *supra* note 4, pp.20

¹³⁰ Argoba Nationality Wereda Establishment proc No. 130/2006 Art.8

CHAPTER FOUR

SELF-RULE AND REPRESENTATION OF THE ARGOBA NATIONALITY

4.1 Historical Background of the Argoba People

The Argobas, being settled in the escarpment of the Great Rift Valley share, border with the Amhara, Oromo and Afar peoples. They have many distinctive features identified by themselves and their neighbors. Islam serves as the main identifying factor from the Amharas and Oromo and Afar. While the Amharas call them ‘*eslam*’ and ‘*kul sabari*’ – meaning, Muslim and retail trader – the Argobas used to call the Amharas as Amhara or *sidama* to mean non-Muslims. “They call the Oromos ‘*sadacc*’ to mean non-Argoba, and the Afar as ‘*badaw*’ or ‘*jahil*’ to underscore their religious intellectual crudity.”¹³¹ Their main identity markers, as most of the population believe, is their religion and their ancestral origin from Arabs. As they define the term Argoba itself, it is an indication of Arab origin – ‘*Areb-geba*’ which means Arabs – entered. Abebe Kifleyesus describes the close connection of the Argobas with Islam when he says:

Argobba cosmology and genealogy have become entwined with that of Islam, and many believe that, ultimately, they are descendants of Muslim “Arabs”. This notion of Muslim “Arab” ‘*asl*’ or ‘*Jadd*’ (origin) derives the Argoba to retain their distinctiveness from others, to elaborate culturally distinct traits and to resist inter-marriage with their neighbours.¹³²

Although the people use these identification markers, literatures indicate that, the Argobas are settlers of the escarpment of Great Rift Valley (GRV) long years ago. “There is a clear evidence showing that the Argoba as a people have been in the area along the eastern escarpment of the GRV system for at least eight hundred years.”¹³³ “The ruins of

¹³¹ Abebe Kifleyesus(1992), *The Dynamics of Ethnicity in a Plural Polity: Transformation of Argobba Social Identity*. Northwestern University, pp. 63

¹³² *Ibid.* pp.82

¹³³ *Ibid.* pp.82

vanished villages with their cemeteries attest to their existence in ancient periods.”¹³⁴ “The history of the Argoba is narrated in close connection with the coming of Islam to Abyssinia and with the establishment of the Yifat civilization.”¹³⁵ The history of Argoba people also linked to the Sultanate of Yifat which was an independent administration. The people of Argoba were known by their independent administration before the highland Christian domination and Oromo expansion to the area. Abebe Kifleyesus confirms the above assertion when he states that:

For the Argobas much of their history is thus tied with that of history of the sultanate of Yefat and its rule by members of the Walasma Dynasty. The word walasma refers to the Argoba ruling families who before the sixteenth century wars were independent sultans of Yefat and after it, as members of an upper “class” stratum, become governors and tax collectors of the Muslim escarpment uplands subject to the central Christian state in the highlands.¹³⁶

The present-day settlement of the people is on the hill side of the rough geographical areas. In settlement, the Argoba prefer to build their villages on hills. “Such settlements are suitable to defend themselves from any outside aggression; access to the ‘amba’ on which the settlements are located is often only one, and difficult to enter.”¹³⁷ It is designed to protect them from outside threat, especially that of the Christian Amhara. “They enclose the settlement much like a fortress and make it appropriate to defend from attacks.”¹³⁸

To sum up, the Argobas were the owner of independent administration of a defined territorial unit, being the founders and leaders of Walasma Dynasty. “They came in at different times, and built the Islamic-based Walasma civilization in Yifat by the 13th Century and became a formidable Muslim political force.”¹³⁹ “Migrations arising from

¹³⁴ Aklilu Asfaw (2000), “A short History of the Argobba”, In: *Annales d’Ethiopie*. Volume 16, année pp.180

¹³⁵ *Ibid.* pp.176

¹³⁶ Abebe Kifleyesus, *supra* note 131, pp.116-117

¹³⁷ Aklilu Asfaw, *supra* note 134, pp.180

¹³⁸ *Ibid.* pp.180

¹³⁹ *Ibid.* pp.176

trade, the search for new land, religious expansion, war, economic pressure, and outside marriage have characterized Argoba history.”¹⁴⁰

The Argoba nationality after their surrender to the Christian highland and Oromo expansion to their heartland which was independent, they continued to serve as a mediator to connect Ethiopia with foreign traders. “The commodities of isolated peasants were linked to a network of international markets through local Argoba traders and foreign merchants who dominated commerce in the coastal lands.”¹⁴¹ “Muslim Argoba traders and Arab, Armenia, India, Greek and French merchants dealt in import-export businesses with high profits.”¹⁴² “At present, however, the Argoba heartlands and the discontinuous villages within them fall within Southeastern Wollo and Northeastern Shewa where the people are organized and locality basis focused on villages.”¹⁴³

The construction of the railway connecting Djibouti and Addis Ababa through Dire Dawa negatively affected the importance of Argoba’s heartland as a trade center. It transformed the trade route to non-Argoba areas. Abebe Kifleysus describe this as:

The importance of the Argoba heartlands for trade in Ethiopia had considerably changed after the first decade of the twentieth century. The railway replaced the long trade routes which had linked the Argoba heartlands with the coast. It ushered the commercial decadence of the Argoba heartlands and blurred the continuance of Argoba identify as traders and commercial agents.¹⁴⁴

Today, the Argoba people are found in more than three regional states of the Ethiopian federation. In some places they occupied a defined territory. In other places they are found scattered with other peoples. “They inhabit areas along rift valley in settlement such as Yimalawo, Gusa, Shonke, Berket, Keramba, Mellajillo, and Metahara.”¹⁴⁵ The

¹⁴⁰ *Ibid.* pp.176

¹⁴¹ Abebe Kifleyesus, *supra* note 131, pp.209

¹⁴² *Ibid.* pp.210

¹⁴³ *Ibid.* pp. 224

¹⁴⁴ *Ibid.* pp. 215

¹⁴⁵ Zelalem Leyew and Ralph Siebert (2001), *Sociolinguistic Survey Report of the Argobba Language of Ethiopia*, SIL International, pp. 4

Argoba people are settled in a long chain of villages some connected to each other, isolated in some area and in mixed settlement with other people.

Irrespective of their settlement pattern they got recognition as a nationality in only two regional states; Afar and Amhara National Regional States. The Afar National Regional State Constitution recognizes the Argoba Nationality to form their own special wereda. As stated in the constitution, the Argoba Nationality is given recognition in the form of wereda.¹⁴⁶ They also secure similar recognition in Amhara National Regional State. However the recognition of Argoba Nationality wereda is not protected under the regional constitution unlike that of the Afar, rather it is by ordinary regional proclamation which is under the constitution in its hierarchical order. The protection could be better if it was enshrined in the regional state constitution because it might not be easy for anyone to amend or change.

The focus of this study, as stated elsewhere in this thesis, is the Argoba Nationality who lives in the Amhara region of South Wollo Zone, and recognized by the regional state as distinct nationality group since 2006. It mainly examines their self-rule and representation status at the federal government organs (particularly in the two federal houses). Other members of Argoba nationality who reside in other regions and areas deserve another similar empirical study.

4.2 The Rights of Argoba Nationality

The Argoba nationality is the minority ethnic group who are found within the mainstream Amhara nationality in the Amhara region. This nationality can be considered minority in terms of their number and political status in the region. They are found within the majority Amahara ethnic group. The Nationality can also be studied from the perspective of local government since they got recognition as a Nationality Wereda within the region. They have formed a structured territorial arrangement to enable them to claim self rule

¹⁴⁶ Afar Regional State Constitution (2001) Art. 43, (2)

and representation at the center. So the analysis of the facts follows this arrangement of considering the nationality as minority nationality group and local government.

4.2.1. Recognition

After an extended and desperate struggle of the people, the Argoba nationality achieved its recognition in 2006. Consequently, it forms a wereda administration in South Wollo Zone having seven kebele administrations.

As discussed before, the Argoba nationality are those who followed formal procedures for their recognition in relation to other recognized nationality in the region. They paid a great tribute to get recognition as a structured territory. The process of claims for recognition of Argoba Nationality has started immediately after the downfall of the Derg regime. It was started in 1991. As my respondent stated:

From 1991 to 2001, there was no formal claims presented either to the federal or state governments. These years were times for coordination and debate between different groups of Argoba Nationality. The main participants on the deal were elites and businessmen of Argoba origin. These groups argued over different points by forming political parties. The main issues of the debate were how to present the question of recognition and to which regional government that the question must be presented i.e. either to Afar or Amhara?¹⁴⁷

In this regard, the debate bases the historical background of Argoba Nationality. Some groups hesitate to present the question of recognition to the Amhara Regional State because of fear of further repression and oppression by recalling their past history. The groups split into two and organize themselves to present the question to both Amhara and Afar regional states. From this, we can understand that the historical influence over the present settlement and split of their voice over different regional states and non-cooperation over their claim of rights was strong. Sheikh Yesuf Abdusomed continued:

¹⁴⁷ Interview with Sheikh Yesuf Abdusomed, who was main figure in every activity of question of recognition, and head of office of Administrative security (safety) in the wereda, and the present representative of the nationality at regional state and HOF; telephone conversation, , (28/03/2016), (9:20 local time)

The groups that favor to present the questions of recognition to Amhara Regional State present their claim in 2001. The region organized a committee constituting members from the regional state (e.g. Gedu Andargachew, presently the President of the Amhara National Regional State, Getachew Ambaye, Minister of Federal Justice Ministry) and individuals from the nationality. Then we have presented the question many times to the regional state based on the findings of the committee, but they were not willing to answer accordingly. The regional state invited us to participate in the celebration of the Nations, Nationalities and People's Day of Ethiopia which was celebrated at Bahir Dar in 2006. They placed us at the end of all nationality rows with our identical culture and manifestations. Fortunately, the then Prime Minister Meles Zenawi began his visit from us. At that time, he asked who we are. We told him and informed about the ongoing process for recognition. Subsequently, he [pushed/ordered] the regional officials to respond immediately to the questions of recognition. The region promptly responded and accorded official recognition for the Nationality by promulgating a proclamation in the same year.¹⁴⁸

The structural arrangement of Ethiopian ethnic line demarcation of boundaries surely is helpful for those ethnic groups concentrated in one area. Argoba Nationality in effect benefited from this arrangement for acquiring their recognition. The nationality not only benefited of getting recognition but also will use it for furthering other forms of minority rights.

Being allowed to form a wereda administration, the first and necessary question of recognition of existence has been answered by the regional government. They are being considered as an ethnic group of the region and confer the basic quest of minority ethnic group right, i.e. recognition. It is easy to proceed with the next claim since recognition is a precondition to the realization of all other forms of minority rights such as the right to culture, language, religion, self-rule, fair representation at the national and regional level etc. The Argobas are now allowed to preserve and promote their culture, history and language (if any) within their special wereda. Arguably, this process of recognition of nationality groups prompts us to say that accommodation of diversity is an ongoing phenomenon in the Amhara National Regional State. In this regard, the Region deserves special appreciation for its willingness and political commitment to recognize the

¹⁴⁸ *Ibid.*

minority ethnic groups within its jurisdiction though still remains behind from implementing the ideals of the constitution in accommodating all forms of diversities.

The recognition was achieved after fierce struggle with those weredas that the Argoba Nationality resides and higher officials of the regional state. In effect, it resulted in the formation of the Argoba Nationality Wereda. The determination of the wereda boundary is made by consultation of the former weredas that the nationality settled. The new nationality wereda was formed by taking two kebeles from Dawa Cheffa Wereda and five kebeles from Kalu Wereda. The question of recognition, as my respondent tells, is not all inclusive and final. The Argoba Nationality resides in 17 kebeles of Kalu Wereda adjacent to the recognized wereda.¹⁴⁹ The claim of recognition is not answered in 12 kebeles in which the Argoba Nationality resides.

4.2.2. Self-Rule within the Argoba Nationality Wereda

Self-rule is one expression of accommodation of diversity. The federal constitution guarantees the right to self-rule when it states that, “Every Nation, Nationality and People in Ethiopia has the right to a full measure of self-government which includes the right to establish institutions of government in the territory that it inhabits and to equitable representation in State and Federal governments” (Article 39(3)). In accordance with this, the ANRS recognizes the Argoba nationality to have their own local self-rule. The self-rule right of a minority affects the internal autonomy and plainly determines the political participation of a minority ethnic group over their internal matters.

The division of power in a federation is the main instrument for local governments to control and administer their internal matters. It enables them to exercise their powers without any domination by the higher level government organs and officials. Local government autonomy is the freedom of the local government to recruit and manage its own staff, raise and manage its own finances, make polices, laws and provide services

¹⁴⁹ Interview with Mohammed Yesuf, former head of Health Office in the Wereda, and who actively participated in the ‘struggle’ for the recognition, now Head of Agriculture Office of Argoba Wereda Office in the Afar National Regional State, (17/2/2016),(10:20 local time), at Kemissie.

within the limits of its resources and functions without interference from the federal and state governments.

Although the law to some extent safeguards self-rule for the minority, there are practical problems for full-fledged self-rule in the Argoba Nationality Wereda as will be discussed below. There are different forms of interference from higher government organs and officials. The interferences are seen here and there because of the gap in the law, failure to implement the law in practice and the nature of the ruling party. The way of domination or interference can be expressed in many ways. It includes, *inter alia*, undue legal interference, interference through party channel and interference through review mechanisms.

4.2.2.1. Undue Legal Interference

As stated before, the Ethiopian federation does not protect local governments in the federal constitution which is a supreme law in the country. It simply leaves the matter to the regional member states of the federation. This is the model of classical federal arrangement. As before R. Watts and Yonatan criticize this approach as it is traditional and out dated. In accordance federations nowadays are recognizing local governments in the central constitution.

In Ethiopian federation, the regional states arrange their administrative structures incorporating wereda as one level of administration. The only exception to this is the Harari regional state in which the administration is organized only with the regional state and kebele.¹⁵⁰

The Amhara National Regional State creates weredas as one level of government. The weredas do have a regional constitution legal protection. The protection, however constitutional, does not allow them to fully exercise their self-rule. The constitution did not recognize them as a fully-fledged autonomous level of government, rather

¹⁵⁰ Harari People Regional State Constitution (2004) Art. 45 (1)

subordinate to the regional state in every aspect of competencies. “Each and every wereda is a body [hierarchically subordinate] to the regional government.”¹⁵¹ It does not follow the federal constitution’s principle of a full measure of self government. According to Yonatan “Sub-national units must be guided by the same principle of self-rule and shared-rule that the federal state has used when responding to the multi-ethnic challenge.”¹⁵² The diversity is presumed in regional states because of the presence of highly divided societies in the country. Accordingly the regional states have to follow the approach of the central government of allowing the minorities’ full self administration to respond for the diversities within their jurisdiction.

The wereda organs of government are accountable for more than one organ of government. They are accountable for their immediate power giver and another organ. For instance;

- The Wereda Council, in case of non-nationality wereda, is accountable to the Regional Council and to the People of the wereda, in case of Nationality wereda.¹⁵³
- The Wereda Administrative Council is accountable for the Chief Administrator of the wereda, Wereda Council and Council of Regional Government.¹⁵⁴
- Chief Administrator is accountable for Wereda Council and Regional Head of Government.¹⁵⁵

The multiplicity of accountability lines further complicated the situation and put the self-rule right under jeopardy. This chain of accountability plainly put effect for full measure of self-administration of the local government. The wereda organs always take into account of the interests of higher officials in making decision, no matter how the issue is internal. Zemelak states:

The accountability of *wereda* chief administrators and mayors to regional governments has opened a door for the regional government not only to

¹⁵¹ Amhar Regional State Constitution (2001) Art. 84 (2)

¹⁵² Yonatan Tesfaye, supra note 44, pp.12

¹⁵³ Amhar Regional State Constitution (2001) Art. 85 (2), Art. 86(1)

¹⁵⁴ Amhar Regional State Constitution (2001) Art. 90(1) (2)

¹⁵⁵ Amhar Regional State Constitution (2001) Art. 93 (1)

hinder the execution of the decisions of elected representatives of the local people, but also to replace local decisions with their own.¹⁵⁶

In general, the approach of the regional constitution with regard to self-rule resembles that of a unitary state approach in which the weredas are established only for administrative convenience. They do not approach as an autonomous unit but as mere agents of the regional state. As a federal system of administration, the relationship between levels of governments has to be dependent upon mutual respect and coordination in matters of common interests rather than subordination.

4.2.2.2. Interference through Party Channel

Ethiopia is being administered by a single party EPRDF for two decades. “All levels of government in Ethiopia are controlled by one party, the EPRDF.”¹⁵⁷ Zemelak further describes the nature of the party and its relationship with government as:

The party has an extremely centralized structure and method of decision making. The grassroots structures are involved only in the execution of these decisions. Moreover, there is little or no practical distinction between the government and the party.¹⁵⁸

The same is true for the ANRS since it is one of the members of EPRDF. The dominant and only party in administering the regional state is the Amhara National Democratic Movement (ANDM) starting from the establishment of the regional state to date. All the seats in the state as well as wereda councils are controlled by this party. “The general view is that, if the same party organization controls both federal and state levels of government and has a centralized party structure, this is likely to weaken the power of regional governments and undermine regional autonomy.”¹⁵⁹ “In most cases, the regional chief administrators are the ‘party bosses’ of *wereda* chief administrators and mayors of

¹⁵⁶ Zemelak Ayele, *supra* note 7, pp.145

¹⁵⁷ *Ibid.* pp.145

¹⁵⁸ *Ibid.* pp.151-152

¹⁵⁹ Asefa Fiseha, *supra* note 73, pp.156

city administrations.”¹⁶⁰ “Thus, *wereda* chief administrators and mayors often tend to follow the instructions of their party bosses rather than the interests or the preferences of the local people.”¹⁶¹

The constitution demands that the Head of Government of the regional state and Chief Administrator should have to be among the members of the council who won the majority seats in the regional and wereda council respectively.¹⁶² They both have the power to propose for the appointment of their Vice and Bureau and Office Heads to put forward and get final approval by the respective council.¹⁶³ In this way of one party system and constitutional requirement, it is unlikely that the Head and Chief Administrator to propose the heads and vices from another party or independent individual. This indicates that, all the debates and decisions in all levels are not expected to deviate from the party ideology and policy

The above mentioned factors coupled with the practical problems raises question that the self-rule of the local governments in the Amhara regional state. The officials at the local level have no confidence to deviate from the decision of higher levels. They are real subordinate to the regional state. I have practically observed while I was working in the wereda. For instance we have provided to certify a contract between the wereda administration office and an association of contractors for road construction. The document provided for my office was with English version. We have refused to certify because of the fact that the working language of the region is Amharic. The matter is reported to the Zone Administration. The Zone Justice Office issued a circular letter obliged us to certify. They have justified that the issue is region wide and it will be translated into Amharic in the future and ordered us to accept the matter.

¹⁶⁰ Zemelak Ayele, Supra Note 7, pp. 145

¹⁶¹ Yilmaz S & Venugopal V. (2008), *Local Government Accountability And Discretion In Ethiopia* Georgia State University Andrew, pp.11-12,

¹⁶² Amhar Regional State Constitution (2001) Art. 59(1) Art. 92 (1)

¹⁶³ Amhar Regional State Constitution (2001) Art. 60(3) (e), Art. 93 (2) (d)

4.2.2.3. Interference through Monitoring and Evaluation Mechanisms

From the personal observation of the author, the monitoring and evaluation process of wereda officials are held and organized by higher officials of zonal administration. The points of review and the mechanisms are not constant for all time. The review mechanisms are not based on previously established conditions and points. The points and mechanisms to review officials at the wereda change over time and involve mostly subjective elements.

Evaluation has to be conducted as a means of supervision. However, most of the time review is conducted under the supervision of party officials which indicate that the focus is from political perspective. Any member who tries to deviate or oppose any ideology of the party or decisions of higher officials will be subjected to dismissal. If the wereda official confronts ideally with higher officials he is believed to be violating one pillar of the party and considered as disloyal to the party's ideology of centralism *Maekelawinetin Metas* – which is used as a pretext to fire out the lower official. As I witnessed when I was working there, the relationship between the zone officials (including party heads) and wereda resembles a military command. Wereda officials are not allowed to debate with higher officials to the opposite.

The above spheres of interferences are the direct effect of non-protection of local governments by the federal constitution. If they would get protected under the federal constitution, they would not be considered as subordinate to the regional government. The situation forbids the principle of federalism from being implemented and applied in the periphery. In relation to this point, the country's biggest mission of decentralized federal administration seems to be concentrated and limited only to the federal constitution. The regional state undermines the principles of federalism by accumulating the power either to the top of regional government officials or to the party centralism.

The Argoba nationality, no matter it is a nationality wereda formed for minority rights protection and with special regional proclamation, has no special status from other non-

nationality weredas with regard to the rights of self-rule. Practically, the self-rule of the wereda has worsened because of the demands of the wereda council over the appointment of members of administrative council. There is a great debate during the appointment of officials between the party heads and the members of the wereda council. The point of disagreement is emanated from the party's (ANDM) interest of appointing based on *loyalty* and the Council's interest for realizing the right to self-administration through appointing the indigenous persons.¹⁶⁴ As one of my informants said:

There is an informal proposal of officials made by some member of the wereda council in the presence of the office of the speaker and under supervision of party officials at the wereda level. The proposal has to be sent to the party official (ANDM) at the zone level. After analyzing some information regarding the proposed officials, it will certify the proposed individuals or change with another individual who is not member of the nationality. There is no problem when the party accepts and sends the individual proposed by the wereda. He will be directly appointed. The problem comes when the proposed individual is changed by another person. At this time, the wereda council refuses to appoint and there will be serious debate among the council in one side and the Chief Administrator and party officials on the other. Any member of the Administrative Council who remains silent at the debate and who is believed to be behind the scene in instigating the council will be criticized over his action and non-action through evaluation and monitoring. This sometimes extends up to dismissal from his position.¹⁶⁵

The author observed that individuals that are selected for first proposals at the wereda level are party members. The reason behind may be that the party may consider *more loyalty and trust* in changing the proposed individuals. As Mohammed Jemal states;

The mandate to replace the proposed individuals from the weredas at the zonal level is the authority of the party that anyone cannot interfere. And

¹⁶⁴ Interview with Ahmed Endris, Former Mayor of the Argoba capital, Medina, Speaker of the Council and Member of Administrative Council and Wereda Council, (18/02/2016), (11:00 local time), at Kemissie.

¹⁶⁵ *Ibid.*

He encountered criticism and reviewed by his [heads] many times of being against the zone party official decision by saying we are not the place for the collection of "garbage". This reference is made that he is aggrieved over the appointment of non-nationality which are nominated by the ruling party at the zone level.

the proposal from the wereda sometimes has a personal interest of assigning the relatives of those who are in power.¹⁶⁶

This in the one hand takes away the power of the Wereda Council and on the other diminishes the self-rule right of the minority group in which the indigenous one can best serve the nationality's interest.

There are also instances in which members of administrative council hold office without the direct appointment of the wereda council. The chief administrator appoints the officials by his own. The chief administrator of the wereda simply wrote a letter to appoint them and notifies the same to other offices.

The wereda council has the power to call officials for different reasons. As stated under art 10(10) of the proc. No. 130/2006 ,the wereda council has the power to call officials of the Nationality Wereda including the chief administrator for questioning and thereby inquires into the workings of the executive body. "There was an event in which the wereda council called and fired officials from their position. However, the officials continued their work as a head".¹⁶⁷

This action is contrary to the power of the wereda council which is vested under the proclamation that recognizes the Argoba nationality. This poses questions about the value and presence and power of the wereda council as the highest government power at the wereda level.

In the case of promulgating directives, the proclamation gives power to the wereda council. It can issue its own specific execution directive to be applied within the area of its organization.¹⁶⁸ Although the law says so, the wereda council does not put into practice by promulgating local directives for the organs of the wereda. This is an

¹⁶⁶ Interview with Mohammed Jemal, vice haead of ANDM at the zone level, former member of Administrative Council at the wereda, telephone conversation, (29/05/2016)

¹⁶⁷ Interview with Mohammed Yesuf, supra note 149.

¹⁶⁸ Argoba Nationality Wereda Establishment proc No. 130/2006 Art.10(2)(3)

indication that self rule is not practical in a full manner. As pointed out by one of my respondents:

The council is only doing three things routinely. These are examination and approval of budget, consideration and approval of appointment of Heads of offices, consideration and approval of working plan and reports presented by the chief administrator. The reason is that all directives are being sent by higher level of administration, the zonal administrations, and wereda organs are simply busy in implementing the same. The council does not have also awareness of its powers and functions other than the above recurrent duties since most of the members have no educational background.¹⁶⁹

The effect of non-recognition by the federal constitution creates a gap in the self-rule and accountability of weredas in the region. The local governments (wereda) are the creation of the states in Ethiopia federation. Although it is argued that, this position of the constitution is to encourage the ethnic-based regional states to have a full measure of self-rule rights; it in turn endangers the local governments' full measure of self-rule right. The regional state does not transfer similar position to the local government (wereda) that the central constitutions confer to them in relation to the federal government. The region creates the weredas not to localize democracy and for choice of local preference rather only for administrative convenience.

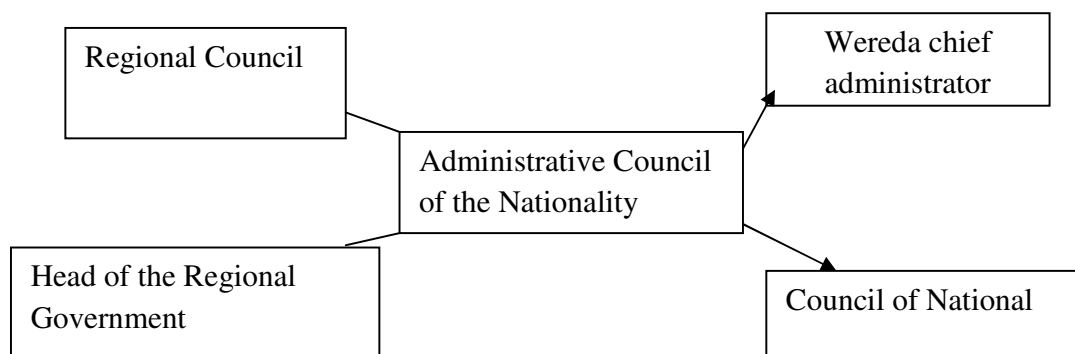
With regard to Argoba Nationality wereda, the general perception of recognition of a wereda as ethnic-based nationality is supposed to enable them exercising a full measure of self-rule in order to promote and preserve the culture and history of the nationality. This position makes the wereda 'special' and is expected to be offered with special treatment from other non-nationality weredas. Although the wereda is named special wereda with special treatment, it has not been translated into practice due to legal and practical factors on the ground.

The accountability lines of the nationality wereda are more complex than that of non-nationality weredas. The Administrative Council of Argoba nationality wereda is accountable to four different organs. It is accountable for the wereda Chief Administrator

¹⁶⁹ Interview with Ahmed Endri, supra note 164.

and Council of the Nationality wereda at the wereda level¹⁷⁰, and Council of Regional Government and Head of Regional Government at the regional level.¹⁷¹ The accountability to the regional government hinders the execution of the decision at the local level. They are not in a position to freely decide and execute the decision albeit the matter is internal. This surely prevents citizens from utilizing the important functions of the wereda and to participate locally since weredas are becoming the center of influence in their daily life.

Figure 2. Accountability line of the wereda Administrative Council



Source: Proclamation No. 130/2006 of Amhara National Regional State

This complexity of accountability and the nature of the ruling party made the local government as an apparatus of control rather than an autonomous and a full-fledged self-governing level of government in the federation. In saying this, the author does not argue that the weredas have to be free from any form of contact with and accountability to higher level government organs. They have to be supervised by higher level of government offices. However, the supervision has to be in a way not to interfere in their self-rule right as far as possible. Of course, the supervision could be better if it has legal basis. As Nico Steytler states, Legal supervision, which is evident in Europe's federation, is good for the effectiveness of the federation.

¹⁷⁰ Argoba Nationality wereda establishment proc No 130/2006 Art. 16(1)

¹⁷¹ Argoba Nationality wereda establishment proc No 130/2006 Art. 16(2)

4.3. The Representation of Argoba Nationality at the Federal Level

The federal constitution guarantees the minority nationality group to participate in all level of the government including the federal government institutions. The first and influential place of participation is in the legislative organs of the federal houses. The federal constitution guarantees every nation, nationality and people to have equitable representation in state and federal government.

A minority group has to be heard and enjoy full access to participate in the political sphere and public life and the relevant area of decision making at the center. Representation of minorities carries a powerful symbolic power in relation to other government body.

The HPR is the centrally highest decision making organ and a single legislative body at the center. Taking this reality, minority ethnic groups have to participate based on their proportion. As Robert G. Moser (2008) describe, representation sometimes might be the end by itself since it carries powerful symbolic power.

The constitution once again reserved seats for the minority in the HPR. “Minority Nationalities and peoples shall have at least 20 seats.”¹⁷² “According to the decision adopted by the transitional parliament, it is ‘minority nationalities’ whose population ranges between 10,000-100,000 that are eligible for special representation in the parliament”¹⁷³ is also applicable today. As to the constitution of FDRE twenty seats are the minimum for minority nationalities that they can hold but it could be even more than that.

The composition of the members in the HPR is affected by two conditions. On the one hand population number and delimitation of district and on the other hand the number of

¹⁷² FDRE Constitution (1995), Art. 54 (3)

¹⁷³ Yonatan Tesfaye, supra note 8, pp. 445, (quoted from Solomon Demisse (1998), *Constitutional guarantees for safeguarding minority nationalities under the FDRE Constitution* Law Faculty, Addis Ababa University.(N.P)

minority nationalities recognized in the country. The conditions laid down here are one indicator that the HPR is a house of accommodation and representation of minority groups' interests, which in itself is the basic condition for the success of the federal system.

The other house of the federal government is the House of Federation (HOF), which is plainly known for the inclusiveness of all nationalities in the country. Its establishment and organization of its members is from the very beginning the Nationality and ethnic based. "Each nation, nationality and people shall be represented in the HOF by at least one member."¹⁷⁴

Ethiopia fails to have bicameral legislations as most federations do. Ethiopia only has bicameral houses in which one house does not have any role in law-making or the legislation process. The Ethiopian unicameral legislature fail to include both elements since the house of federation (the upper house) does not participate in the law-making process. It is only HPR which can make the law.¹⁷⁵

The body that represents diversity¹⁷⁶ does not participate in law making. This shows that the diverse interests are not accommodated in the legislative organ of the nation. As I stated in chapter two Mengie Legesse remarks that, it is through laws made by the federal legislature that the particular functioning of the federal system regarding common areas of interest is realized

One issue of the study is representation of the Argoba nationality in the HPR. As I stated before, the basic factors that affect the participation in the HPR are;

- population number
- delimitation of electoral district, and
- being a recognized nationality minority

¹⁷⁴ FDRE Constitution (1995), Art. 61(2)

¹⁷⁵ FDRE Constitution (1995), Art. 55(1)

¹⁷⁶ FDRE Constitution (1995), **Art.** 61(2)

According to Ibrahim Mohammed:

At the time of the struggle for recognition, representation at the regional state and federal legislative organ was also an issue. The team/committee who was conducting the question of recognition also told to present this issue for the concerned authority. But it is not addressed in the proclamation that gave recognition to the Nationality. After achieving recognition, however, the issue of representation has not been a big deal. The reason is those who struggled for recognition once after holding office started to fear for dismissal. This is because since they were not well educated (professionals), they might not be employed in the civil service and started to worry about their livelihood.¹⁷⁷

In this case, the centralist nature of ANDM makes them to be kept silent regarding further quest of rights. “Since local officials lack a substantial educational background, they do not have any prospect of finding better employment elsewhere.”¹⁷⁸ As my respondent stated and I myself observed, many officials do not get job access after they lost their official position.

In addition to this, when the question of recognition achieved the other claims are expected to be presented in formal line of hierarchy of governments. The questions cannot be presented to the regional state because of the presence of high interference of the zonal official and party officials. As Mohammed Yesuf describe, former fighters for the rights of Argoba nationality are now found “imprisoned on long rope.”¹⁷⁹ He wants to describe that there are different minor mistakes that are attached to them which will potentially lead them to jail. As he states their mistakes may be used as a pretext to make them frustrated over further claim.

The Argoba Nationality in the South Wollo Zone being a recognized minority nationality is qualified to have a seat and be represented in the HPR based on the election law of Ethiopia. But they do not get access to be represented as to their proportion. They are not being part to the main legislative organs in the country. They do not possess a single

¹⁷⁷ Interview with Ibrahim Mohammed, Former Party member of Argoba nationality and who strives a lot for the recognition, (27/03/16) (10:00 local time), at Kemissie.

¹⁷⁸ Zemelak Ayele, supra note 7, pp.152

¹⁷⁹ Interview With Mohammed Yesuf, supra note 149.

electoral district in the wereda the way the people of the nationality wereda participate is by dividing them into three unrelated electoral districts. As pointed out by Mohammed Yesuf: “The people of the Wereda participate in election divided into three parts; four kebeles cast their votes with the people of Kalu Wereda, two kebele with Dawa Chefa Wereda (Oromia Nationality Zone) and one kebele with Kombolcha City Wereda.”¹⁸⁰

The way of arranging the electoral districts in this manner absolutely damages the minority nationality to have a say at any place even at a state level. Of course, the wereda contributes by nominating one person for the regional state council. They have sent only one representative for the last two national elections (2010 and 2015) to have a seat in state legislative body – the Regional Council.

The above respondent goes even further to conclude that, the wereda does not have any representative in the region as well as the federal houses. He reached to this conclusion that even if the individual is assigned from the Argoba Nationality wereda he has no moral obligation to diligently serve the interest of the Nationality wereda. This is because of the proportion of the vote that he acquires from the wereda. The representative receives more votes from the people of Kalu Wereda than the people of Argoba Nationality Wereda.

Another surprising issue is the delimitation of the electoral district of the wereda with Kombolcha City Wereda. In the first place, the two weredas do not share any boundary. The Kalu Wereda separates them in between. Second, the preferences of services and goods of the peoples of the two weredas are absolutely different in which Kombolcha is predominantly a city population whereas the Argobas are farmers. Combining the two weredas which have different socio-economic background is unreasonable. The minority interest is distributed and their voice divided.

For the purpose of accommodation, the central legislative organ has to be a home in which all ethnic minority proportionally represented. This house as being the only

¹⁸⁰ *Ibid.*

legislative body at the center should not be a room of stress, rather a room of accommodation by being all inclusive of minority group. The minority voice has to be heard in this influential house. The nationalities may feel confident by being represented in the HPR.

“The Argoba nationalities that are found in North Shewa zone of Amhara region have their own representative at the HPR.”¹⁸¹ As I have stated earlier, the settlement pattern of the Argoba nationality is concentrated in some area and scattered in another area. Taking this reality the Argobas in North Shewa Zone are allowed to participate in election with *special voting system* with special ballot-paper as my respondent stated:

The party that represents Argoba is an affiliate party which is established in Argoba Special Wereda of Afar. The party competes in the election for regional council and HPR in Afar region and Amhara region respectively. The Argoba Nationality has given a special ballot paper to elect their representative. The election district is arranged together with the majority Amhara nationality but with different ballot box. One seat is permitted for the nationalities within the zone at HPR. The Nationalities in this area are participating in federal government through their representative since the transitional government. The election of this kind is taking place in three weredas in which the Argobas found. The weredas are Kewot, Shewarobit and Ankober.¹⁸²

This way of representation seems to be closest to fulfilling the FDRE constitution that reserves seats for minorities. The constitutional guarantee for minority representation is applied for those Argobas' who are found in the above weredas of North Shewa Zone of Amhara region. The Argoba Nationality in South Wollo Zone have not benefited from the above constitutionally guaranteed right of minority. Of course, the Argoba nationality in this place is found concentrated in one area. There is no any non-Argoba in the weredas as a permanent settler. In such a case they are majority in the wereda and deserve to have their own constituency to be represented in the single Federal legislative organ, HPR.

¹⁸¹ Interview with Mustofa Shehu, former member of HPR from Argoba Nationality found in North Shewa Zone in (2010 election), now he is in duty of running the Argoba's Development Association In Addis Ababa, (10/03/2016) (4:30 local time) at Addis Ababa.

¹⁸² *Ibid.*

Shared rule may also consider the arrangement and participation of political parties. The Argoba Nationality in South Wollo Zone does not have their own political party. The party that works in the nationality wereda is ANDM. If they have their own political party or if the party that works in Afar region of Argoba special wereda participate in similar pattern like North Shewa Zone, may further put effect on matters of representation of the Nationality at the center. Representation in the federal legislative organ may be considered as a political autonomy. This condition is crucial in the manner that the nationality's wereda self-rule is in question and considered subordinate to the regional state. Their representation may serve as a tool to speak at the center in case when the regional state goes against their interests.

The electoral system of Ethiopia is majoritarian in which only an individual who gets simple majority will win a seat in the HPR. This system creates favorable condition for those minorities concentrated in one geographical area since they are a majority in their demarcated territory. This shows that the Argoba nationality being recognized and inhabit the same geographic area are majority over their area. The majoritarian electoral system, laid down in the federal constitution, would have been enabled them to have a seat in the HPR. However, the delimitation of electoral district affects their representation potential at the center.

CHAPTER FIVE

CONCLUSION, FINDINGS AND RECOMMENDATIONS

5.1 Conclusion

This study has examined the self-rule and representation rights of the Argoba Nationality from the internationally established principles of federalism and domestic federal state structures. Nowadays, federal countries are giving recognition for a third tier of government i.e. local government. This is due to the desire of localization of service provision and effective democratization process.

As Ethiopia is home for more than 85 ethnic groups, it has adopted a political administration structure that could possibly satisfy the interests of all nationality groups, including the minorities. Accordingly, it legally entrenched a federal political arrangement with an intention of accommodating diversities. This federal arrangement divided the country into nine regional states, mostly along ethnic lines but more beneficiaries are the majority ethnic groups as they are granted with their mother states. There are several minority ethnic groups within the regional member states of the federation. Argoba Nationality is one of those minority ethnic groups in the federation found themselves divided among different regional states.

The current federal structure of Ethiopia is established with the aim of accommodating diversity while keeping the country's unity. The federation establishes nine regional member states based on the principle of self-rule and shared-rule. And the federal constitution enshrined the minority ethnic groups to preserve their culture, language, and history, and guaranteed to be represented at both federal and state government organs and to have a full measure of self-administration. Moreover, it reserved a seat in the federal legislative body (HPR) for minority ethnic groups. The Ethiopian federal constitution, however, did not protect the local government except its general dictation that power should be devolved to the lowest political units. It did not specify the general framework

or the powers and functions that must be devolved to the local government. It simply empowers the regional states to do that.

The Amhara regional state is one of the member states of the federation and in effect it has adopted its constitution under the general framework of the federal constitution. But it made the local governments not an independent level of government rather subordinate to the regional government. The reason for this position and status of local government in the regional state is due to their non-protection by the federal constitution. The regional state, albeit framing for a subordinate wereda administration, explicitly accorded recognition for the minority ethnic groups within the majority Amhara Nation. This exactly fits into the general framework of the protection of minority rights in the federal constitution and the intent of the design of federal political system of the country.

5.2 Findings

This study has assessed the theoretical issues and practical challenges on ethnic minority group rights in line with the quest of Argoba Nationality ethnic group in Amhara region. From the findings, it can be concluded that, despite recognition of Argoba nationality as a distinct minority ethnic group in the Amhara National Regional State; their mere recognition is not satisfactory for the fulfillment of other consequential minority group rights such as a fully-fledged self-rule and representation rights. For recognition to be meaningful, it has to be accompanied with such rights.

As historical documents show, the Argobas are among the ancient peoples that settled in the present-day Ethiopia. Argobas inhabit the escarpment of the Great Rift Valley exhibiting different socio-economic and political relations with different regimes. They were known for establishing an independent '*walasma dynasty*' during the 13th c. inhabiting a long chain of villages connected each other and some scattered with others. In many places, they usually settle over mountainous areas in order to protect themselves and their state from the invasion of the Christian Highland Kingdom.

Currently, the Argobas are living in four regional states of the Ethiopian federation, i.e. Amhara, Afar, Harari and Oromia regional states. They have different identity markers in common and specific for those found in one place in relation to the neighboring people. Their common identity marker is their religion. They themselves and the neighboring people confirm that Argoba are dominantly, if not totally, Muslims. The reality on the ground also shows that they are totally Muslims. In spite of the fact that they occupied large areas along the side of the Great Rift valley in four regional states, they are only accorded recognition in two states - Amhara and Afar - to form local government i.e. Nationality Wereda and exercise the right for self-government. In other areas, example in North Shewa Zone, they achieved recognition but not in the form of structured territory to exercise their constitutional rights.

Moreover, the study found that the protection of minority nationality in the Amhara regional state is mere recognition of existence especially with regard to the Argoba Nationality in South Wollo zone. Of course, it is not to deny the necessity of their recognition as an important step for other forms of rights that the Argobas are claiming and deserve. This study argues that, the recognition has to be accompanied with other minority group rights such as self-rule and representation for the constitutional guarantee to have effect as the constitution and the federal principle dictates that minority groups should have a full measure of self-administration over their internal affairs. Above all, the Ethiopian federal structure is designed to empower all 'Nation, Nationality and people' of the country over their internal matters and not to be dominated by other majority groups. Argoba Nationality has lost this element as a local government and/or nationality wereda of a minority ethnic group as they are subject to different forms of domination and interference from above and other ethnic groups.

This study reveals that the main factors that contributed for the non-fulfillment of a full measure of self-rule for the Argoba nationality include:

- The legal lacuna is one of the major contributing factors. First, the national constitution did not explicitly provide for the protection of local governments. It rather empowers the mother state to this purpose. The Amhara National Regional

State, by taking this legal gap as an advantage, made local governments subordinate and dependent up on the political will of higher officials to decide on their internal affairs. For this reason alone, the Nationality wereda is trapped into a chain of accountability to various organs of the regional government. This forced wereda officials to adjust their decisions in compliance with the interests of the regional government instead of the needs and preferences of the people.

- The second obstacle for the realization of the self-rule right of the nationality wereda is related to the interference made through party channel. The political party administering the region is ANDM/ EPRDF which is known by its highly centralized structure and method of decision-making. The organs of the nationality wereda are not free to decide any matter in contradiction to the party ideology and policy. All the works and decisions are made under the direct dictation and supervision of the party officials and personnel. The party officials are the immediate bosses of all organs of the Nationality wereda.
- The third factor is the practical situations in the day-to-day activities of relationship with higher officials which in itself are the result of the subordinate nature of weredas in the region. Although the law requires weredas to be accountable to the state there is no direct contact between these two levels of governments. It is the zone officials that directly control the nationality wereda. The relation between the wereda officials and the zone are not guided by law or an established mechanism rather subjective to each activity. A wereda official who did not agree with the higher official, even with the officials of the party at the wereda level, will face serious criticism to the extent of dismissal from his position under the principle of party centralism.

With regard to the issue of shared rule, the study ascertains that Argoba nationality did not have any place in the federal legislative body (HPR). They only have a representative at the HOF. As it is discussed earlier, the Ethiopian federation though bicameral in form; practically it is unicameral as one house – the HOF – is excluded from the power of legislation (law-making process). Law-making power at the national level is exclusively vested on the HPR. Hence, denial of minority nationalities such as Argoba from having representatives and fully participate in the decision-making process in this organ

obviously undermines the federal principle to accommodate the views of the minority that the Ethiopian constitution is sought to achieve. The Argoba nationality in South Wollo zone mostly occupy defined territorial area and form a wereda and deserves representation as a wereda and/or a minority group as per the federal constitution.

As it is assessed in this study, the factors that hindered the Argoba nationality from participating at the national level mainly related to:

- The electoral system adopted by the state, the majoritarian type of electoral system, which is supposed to benefit minority ethnic groups concentrated in a geographically defined territory with their own political party, does not benefit the Argoba nationality since they have no political party.
- The delimitation of the electoral district has also its own negative influence. The Nationality wereda has not been given one electoral district. The people in the wereda are casting their votes for different nominees together with neighboring peoples and weredas. The people of the wereda are to be divided into three parts during election. This way of demarcation indisputably forbids the nationality to send a single representative to the parliament (HPR) as their votes are divided.
- Lack of reserved seat for the minority as enshrined in the FDRE Constitution potentially hinders the Argoba nationality of representation in the federal legislative body. The incongruity between the law and the practice undermined the representation rights of the Argoba nationality.
- On top of this, it is found that, those individuals who actively mobilized the community for recognition from the regional government stopped at some point after securing recognition and failed to organize and lead the people for furthering their constitutionally guaranteed minority rights.

5.3 Recommendations

The Argoba Nationality as can be understood from different sources and the realities on the ground inhabit a large area in the federation and contributed a definite number of percentages to the total ethnic share of the country's population. On the basis of the findings, the researcher forwards the following major recommendations:

1. In order to have a well-established nationality wereda and to make their distinctiveness more meaningful, the recognition should have a constitutional base. The regional state, therefore, must incorporate the nationality wereda in its constitution through amending the existing one. It is only this constitutional guarantee that protects the recognition of the nationality and its concomitant rights of self-rule and representation from unilateral cancellation. In fact, the Argoba Nationality in South Wollo Zone has been accorded recognition. However, there has been an additional claim for recognition in the adjacent areas. Their claim indicates that, the question of recognition is still remaining unanswered in full that requires state officials to deal the matter in full commitment to the extent of amending the regional constitution.

More than this, being recognized as a distinct nationality group does not mean all other questions is addressed. The wereda organs and the people are claiming a fully-fledged self-rule right to be fully respected. The federal constitution allowed them to administer their internal affairs without any external interference. The federal principle and the current general purpose of the Ethiopian federation confer minority groups to have a full measure of self-administration.

2. For the full implementation of a fully-fledged self-administration for the Argoba Nationality, the following recommendations are suggested;
 - A. The higher officials (zonal and party officials) should respect the powers of the wereda organs which are established by a regional proclamation. More

importantly, the Wereda Council should exercise its powers and functions without any external interference. Its power for appointing and calling members of the Administrative Council should be respected. An effort has to be made in order to create awareness of the powers and functions of the council.

- B. The complex accountability chain encumbered upon the Administrative Council has to be lifted up to enable them to decide on the Wereda's internal matters without any pressure from the above. This also enables to achieve the purpose of the federal arrangement and the grand objective of the national constitution that is mainly designed and intended to rectify the historical injustices committed over ethnic minorities in Ethiopia.
- C. The influence of the party channel in grass-root level has to be minimized under its usual role of the political parties. It should not be involved deep into day-to-day activities of the government. It has to stand independently by its own and accomplish only activities of the political sphere.

With regard to the representation of Argoba Nationality in the federal (legislative) organs they have to have a say at the center to decide on the common interests of the nation as whole and their voices to be heard. Similar nationalities in North Shewa have such access to the HPR by means of reserved seat as is incorporated in the FDRE constitution for minority ethnic groups. By the principle of equality and also the FDRE Constitution, the Argoba Nationality of South Wollo Zone should entertain the same right.

- 3. In this regard, for the purpose of guaranteeing participation for the Argoba Nationality in the HPR, the following options are forwarded:
 - A. As a self-administered wereda and the establishment of electoral constituency based on wereda arrangement, the national election Board of Ethiopia (NEBE) has to establish an electoral district in the Argoba Nationality Wereda of South Wollo Zone. This enables the Nationality to send their representative to HPR since they are majority inhabiting a contiguous territory in their own district. Since the current participation of election by dividing the nationality group into three

electoral districts distributes their votes to three weredas that in turn practically forbids them from participation at the center.

- B. If the above suggestion becomes difficult to implement for NEBE, another solution is available from the experience of North Shewa zone of Argoba Nationality. NEBE can organize a special voting system for the Argoba Nationality in the weredas and other adjacent weredas. This is possible because of the presence of Argoba nationality in all neighboring weredas forming small villages and scattered with others.
- C. The other possible recommendation is to adopt a proportional representation system of election in which the Nationality could be represented as to their proportion.

BIBLIOGRAPHY

- Aalen, Lovise (2002), *Ethnic Federalism in a Dominant Party State: The Ethiopian Experience 1991-2000*. Chr. Michelsen Institute
- Abebe Kifleyesus (1992), *The Dynamics of Ethnicity in a Plural Polity: Transformation of Argobba Social Identity*. Northwestern University
- Alem Habtu, (2005), “Multi-ethnic Federalism in Ethiopia: A Study of the Secession Clause in the Constitution”, in *Publius: The Journal of Federalism*.
- Assefa Fiseha (2006), *Federalism and Accommodation of Diversity in Ethiopia: A Comparative Study*. Wolfsburg Legal Publishers
- _____ (2006) “Theory versus Practice in the Implementation of Ethiopia’s Ethnic Federalism”, in David Turton, *Ethnic Federalism: The Ethiopian Experience in Comparative Perspective*. Addis Ababa University Press, Addis Ababa, (131-164)
- Belay Shibeshi Aweke (2010), “Minority Right Protection in the Amhara National Regional State: The Case of the Kemant People in North Gondar”. Senior thesis, Faculty of Law, Addis Ababa University
- Bjorn, Moller (2010) “Pan-Africanism and Federalism”, in *Perspective of Federalism* Vol. 2, Issue 3
- Capotorti, Francesco (1991), *Study on the Right of Persons belonging to Ethnic Religious and Linguistic Minorities*, (N. P)
- Carl, J. Friedrich (1968) “The Theory of Federalism as a Process”, in *Trends of Federalism in Theory and Practice* (New York: Frederick A. Praeger, Publishers.
- Choundhry, Sujit (2009), *Constitutional Design for Divided Societies: Integration or Accommodation?* University of Toronto, Faculty of law
- Christopher Van Der Beken (n.d), *Federalism in the Context of Extreme Ethnic Pluralism; The Case of Ethiopia’s Southern Nations, Nationalities and People’s Region*. (N. P)
- Elazar, J. Daniel (1987), *Exploring Federalism*. Tuscaloosa, University of Alabama Press,

- _____ (1994) *Federalism and the Way to Peace*. Queens' University, Kingston, Ontario, Canada
- Dereje Feyissa (2006) 'The experience of Gambella Regional state' in David Turton, *Ethnic federalism: The Ethiopian experience in comparative perspective* (Athens: Ohio University Press) 208-230.
- Hartney, Michael (1995) "Some Confusions concerning Collective Rights", in Will Kymlicka, *The Rights of Minority Cultures*, Oxford University Press, New York
- Keating, Michael (2007), *Federalism and the Balance of Power in European States*. (N. P)
- King, Preston (1982) *Federalism and Federation*. Johns Hopkins University Press
- Kiss, R. (1999), "Local Government to Local Administration: The New Order", in B. Costar & N Economou, *The Kennett Revolution – Victorian Politics in the 1990s*, UNSW Press.
- Kymlicka, Will (1995), *The Rights of Minority Cultures*. Oxford University Press, New York
- _____ (2001) *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship*. Oxford University Press
- _____ (2007) *Multicultural Odysseys, Navigating the New International Politics of Diversity*. New York, Oxford University Press
- Kymlicka, Will and Wayne Norman (2000), *Citizenship in Diverse Societies*. Oxford University Press Inc., New York
- Lecours, André (2010), *The State of Federalism in the World*. University of Ottawa
- Lijphart, Arend (2008), *Thinking about Democracy Power Sharing and Majority Rule in Theory and Practice*. Routledge.
- Mengie Legesse (2010), *Federalism for Unity and Minorities' Protection: A Comparative Study on Constitutional Principles and Their Practical Implication. US, India and Ethiopia*. Budapest.
- Merera Gudina (2006) "Contradictory Interpretations of Ethiopian History: The Need for a New Consensus", in David Turton, *Ethnic Federalism: The Ethiopian Experience in Comparative Perspective*. Addis Ababa University Press, Addis Ababa.(119-130)

- Mohammed Habib (2011), *The Ethiopian Federal System: The Formative Stage*. (N.P)
- Mohammed Hassen (1994), *Ethiopia's Missed Opportunities for Peaceful Democratization Process*, paper presented at the 37th annual meeting of the African Studies Association, Toronto.
- Ottaway, Marina (1994), *Democratization and Ethnic Nationalism: African and Eastern European Experiences*. Washington, D.C. Overseas Development Council.
- Pernthaler, Peter, & Gamper, Anna (2005), "Local Government in Austria", in Nico Steytler (ed.), *The Place and Role of Local Government in Federal Systems*. Stups Printings, (65-82)
- Piattoni, Simona (2012) "Federalism and Its Competitors: Which Template for Contemporary Europe?" in Dossier (ed.), *A New Era of Federalism*. L'Europe en formation, (11-21)
- Population Census Commission (2007) Federal Democratic Republic of Ethiopia, Summary and Statistical Report of the 2007 Population and Housing Census, Addis Ababa, December 2008,
- Saheed, A. Adejumbi (2007), *The History of Ethiopia*. Greenwood Press, London.
- Saunders, Cheryl (2005), "Constitutional Recognition of Local Government in Australia", in Nico Steytler (ed.), *The Place and Role of Local Government in Federal Systems*. Johannesburg, Stups Printings, (pp. 47-64)
- Steytler, Nico (2005), *The Place and Role of Local Government in Federal Systems*. Stups Printings
- _____ (n.d) "An international perspective on the constitutional recognition of local government; Comments on the Public Discussion Paper of the Expert Panel on Constitutional Recognition of Local Government". (N. P)
- Solomon Demisse (1998), "Constitutional Guarantees for Safeguarding Minority Nationalities under the FDRE Constitution". LLM Thesis, Law Faculty, Addis Ababa University.
- Taylor, Charles (1992), "The Politics of Recognition", in Amy Gutmann (ed.), *Multiculturalism: Examining the Politics of Recognition*. Princeton University Press Princeton, New Jersey (25-73)

- Tronvoll, Kjetil (2000), ‘Ethiopia: A New Strata?’, in *Minority Rights Group International*, UK.
- Wallelign Mekonnen (1969), ‘On the Question of Nationalities in Ethiopia’. (N.P)
- Watts, Ronald L. (1996), *Comparing Federal Systems in the 1990s*. Institute of Inter-governmental Relations, Queens’ University, Kingston.
- _____ (1999), *Comparing Federal Systems*. Second Edition. The School of Policy Studies, Queens University, Mc-Gill University Press.
- _____ (2008), *Comparing Federal Systems*. Third Edition. Queen’s University, McGill-Queen’s University Press.
- _____ (2010), ‘Federal Second Chambers Compared’. Presentation at Conference on Federalizing Process in Italy, Comparative Perspectives. An international conference organized by the Department for Institutional Reforms, Italy, and the Forum of Federations. (N. P)
- Wolff, Stefan, (2005), ‘Electoral-Systems Design and Power-Sharing Regimes’, in Ian O’Flynn and David Russell (eds.), *Power Sharing; New Challenges for Divided Societies*. Pluto Press, London (59-76)
- Yilmaz, S. and Venugopal V. (2008), *Local Government Accountability and Discretion in Ethiopia*. Georgia State University
- Yonatan Tesfaye (2008), *Institutional Recognition and Accommodation of Ethnic Diversity: Federalism in South Africa and Ethiopia*. University of the Western Cape
- _____ (2010), *Federalism and Intra-sub State Minorities: Constitutional Principles for Accommodating Intra-sub State Minorities*. University of Western Cape
- Zelalem Leyew and Siebert, Ralph (2001), *Sociolinguistic Survey Report of the Argobba Language of Ethiopia*. SIL International

Legislations

Negarit Gazeta of the Revised Afar Regional State Constitution approval proclamation (2001)

Constitution of the Federal Democratic Republic of Ethiopia, Proclamation No. 1/1995.
Federal *Negarit Gazeta*, 1st Year No. 1 Addis Ababa.

Constitution of the Republic of South Africa (1996)

Negarit Gazeta of the Revised Harari Regional State Constitution approval (2004)

Argoba Nationality Woreda Establishment and Determination of Its Powers and Duties
Proclamation No.130/2006, Amhara National Regional State Zikre Hig-No.15
April 18, 2006.

The Revised Amhara National Regional Constitution Approval Proclamation No. 59/
2001 Amhara National Regional State Zikre Hig-No.15 November 5/ 2001.

The Zonal Administrative Offices Establishment and Determination of their Powers and
Duties of Council of Regional Government Regulations No. 1/2001.

Bahir Dar Special Zone Administration Regulations No.1/1995.

United Nation Report on Minority Rights: International Standards and Guidelines for
Implementation (2010)

International Covenant on Civil and Political Rights, United Nations General Assembly,
1976.

JOURNAL ARTICLES

Aklilu Asfaw (2000) “A Short History of the Argobba”, in *Annales d’Ethiopie*. Volume
16, Année. (173-183)

Moser, Robert G. (2008), “Electoral Systems and the Representation of Ethnic Minorities
Evidence from Russia”, in *Comparative Politics*, Vol. 40, No. 3. City University
of New York, (273-292)

Norris, Pippa (1997), “Choosing Electoral Systems: Proportional, Majoritarian and
Mixed Systems”, in *International Political Science Review*. Vol. 18, No. 3, (297-
312)

- Teorell, Jan and Lindstedt, Catharina (2010), *Measuring Electoral Systems*, Political Research Quarterly, Vol. 63, No. 2
- Rehman, Hidayat and Muhammad Zubair (2013), “Development of Minorities’ Rights and Critical Analysis of Contemporary Comparative International Human Rights Law for their Protection”, in *International Research Journal of Social Sciences*, Vol. 2(7), Department of Law at Abdul Wali Khan University, Mardan.
- Wondwosen Teshome and Záhork, B. Jan (2008) “Federalism in Africa: The Case of Ethnic-based Federalism in Ethiopia”, in *International Journal of Human Sciences*, Volume, 5, Issue, 2
- Yeshiwas Degu Belay (2014) “The Politics of Recognition and the Kemant Nationality in Ethiopia”, in *International Journal of Innovative Research and Development*, vol. 13, Mekelle University.
- Yonatan Tesfaye Fessha and Christophe Van Der Beken (2013) “Ethnic Federalism and Internal Minorities: The Legal Protection of Internal Minorities in Ethiopia”, in *African Journal of International and Comparative Law*, (N. P)
- Zemelak Ayele (2011), Local Government in Ethiopia: Still an Apparatus of Control?, in *Law, Democracy and Development journal, Doctoral intern with Local Democracy, State, Peace and Human Security Programme, Community Law Centre, University of the Western Cape* .vol-15,(133-159)
- Zemelak A. Ayele (2014), “The Politics of Sub-national Constitutions and Local Government in Ethiopia”, in *Perspectives on Federalism*, Vol. 6, Issue 2

Interviewees

- Ato Ahmed Endris, Former Mayor, Speaker of the Council and Member of Administrative Council and Wereda Council, interview made at Kemissie town on 18/02/2016
- Ato Ibrahim Mohammed, Former Party Member of Argoba Nationality and who contributed a lot for the recognition of the Nationality by the Amhara National Regional State, interview conducted at Kemissie town on 27/03/16
- Ato Khar Abre, a resident at the woreda

Ato Mohammed Jemal, vice head of ANDM at the zone level, former member of Administrative Council at the woreda, telephone conversation, (29/05/2016)

Ato Mohammed Yesuf, Former Head of Health Office in the Argoba Nationality Wereda, and who actively participated in the 'struggle' for the recognition – now Head of Agriculture Office of Argoba Wereda in the Afar National Regional State. Interview made at Kemissie town on 17/2/2016)

Ato Mustofa Shehu, Former Member of HPR of the Argoba Nationality of North Shewa Zone in the 2010 election – now in duty of running the Argoba's Development Association in Addis Ababa. Interview conducted in Addis Ababa on 10/03/2016

Ato Seid Omer, Ex-Chief Administrator of the Wereda, Interview held at Kemissie town on 27/03/16

Sheikh Yesuf Abdusomed, who was an influential figure in every activity during the quest for recognition of the Argoba Nationality and Head of Office of Administrative Security in the Wereda, and currently the representative of the Nationality at the Regional State and HOF; telephone conversation from Kemissie town on 28/03/2016

Sheikh Sani, member of Wereda Council and religious at the kebele level

Appendix I

Guiding Interview Questions

1. ቃለ መጠየቅ
2. እውቀትና መሠጠት ምን ጥቅም አስገኝቷል?
3. የዕውቅና አሰጣጡ ላይ ምን ጉድለት አለው? በአዋሳኝ ያሉ ሌሎች የአርገግ ብሔረሰብ አካላት ተካተዋል ብለው ያስባሉ?
4. የዕውቅና አሰጣጡ ሂደት ምን ይመስላል እንዴትስ ተከናወነ?
5. የማህበረሰቡ አሰራርና የዕውቅና አሰጣጡ ሁኔታ እንዴት ነው? በማህበረሰቡ ስምምነት ነው ወይስ ዝም ብሎ በማካለል?
6. የወረዳው አንድ ብሔረሰብ አስተዳደርነቱና እንደ ወረዳነቱ በፌዴራል አካላት ወኪሎችን እንደል፤ ተደርጓል ወይ?
7. በፌዴራል የህዝብ ተወዮች ም/ቤት ወረዳው በምን መልኩ ድምጹን ያስማል ወይም ያሳተፋል?
8. ወረዳው እንደ አንድ የምርጫ ክልል ተዋቅሯል?

ተዋቅሯል ☐

አልተዋቀረም ☐

መልስም አልተዋቀረም ከሆነ ህዝቡ በምን አይነት ሁኔታ/ አወቃቀር ምርጫ ላይ ይሳተፋል?

9. በዚህ ሁኔታ መሳተፍ ምን ምን ጉዳዮች አሉት::
10. እንዴ አንድ የምርጫ ጣቢያ ቢዋቀር ምን ምን ጠቀሜታ ይኖሩታል
11. የወረዳው የአመራር አካላት ከምልመላ እስከ ሹመትና ከሹመት መነሳት በተመለከተ የወረዳው ህዝብ በዚህ ጉዳይ ላይ እንዴት ይሳተፋል?
12. ም/ቤቱ ከምልመላ እስከ ሹመት ያለው ሚና ምን ይመስላል?
13. አመራር በሚሾምበት ወቅት ከበላይ አካላት ምን ዓይነት ጫናዎች አሉ?
14. አመራር በማሰናበት በኩል ም/ቤቱ ሚናው እስከ ምን ድረስ ነው?
15. ም/ቤቱ ወይም አስፈጻሚው አካል የወረዳውን እቅድ ከመነሻው እስከ ትግበራው ድረስ ያለው ሚናና ነጻነት ምን ይመስላል?
16. ም/ቤቱ ወይም አስፈጻሚው መተዳደሪያ ህግና ደንብ አውጥቶ ያውቃል?

17. በአፋር ክልል ያለው የምርጫ ተሳትፎ ምን ይመስላል?
18. በህዝብ ተወካዮች ምክር ቤት ለአናሳ ብሔረሰቦች የተቀመጠው 20 ወንበር ተግባራዊ ሆኗል ማለት ይቻላል?
19. የፖርቲውና የመንግሥት መዋቅር እንዴት እየሠራ ነው?
20. ቋንቋና ባህሉን ለማሳደግ ሽንኬና ጦልሃን እየተጠቀመባቸው ነው ወይ?